

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

OCTOBER 15, 2001

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES**CALL TO ORDER**

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:00 a.m. on Monday, October 15, 2001, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

James Braun
Lisa Davis Cook
Lori Glanzman
Darrell Hanson
Kathryn Murphy, Vice-Chair
Kelly Tobin
Terrance Townsend, Chair

MEMBERS ABSENT

Gary Priebe
Rita Venner, Secretary

ADOPTION OF AGENDA

Motion was made by Kathryn Murphy to approve the agenda as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Lori Glanzman to approve the minutes as presented. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS PRESENTED

FINANCIAL STATUS REPORT – FY 01 FINAL REPORT

Mark Slatterly, Bureau Chief for Budget and Finance, presented the following item. Attached is the operations' FY 01 final financial status report by division. The Department reverted a total of \$18,899 in general fund money from its Energy and Geological Resources Division. The reversion was a result of the USGS not reimbursing the Department in a timely manner for work done by the Department. The general fund had to pay for the work done. Once reimbursement is received from the USGS, it will have to be reverted to the general fund. The other 4 divisional appropriations reverted \$0. The fish and wildlife appropriation ended the year with a \$281,041 balance, which reverted back to the fish and wildlife trust fund.

**Iowa Department Of Natural Resources
Financial Status Report**

TOTAL DEPARTMENT FINAL 01	FY 01 BUDGET	FY 01 ACTUAL	BUDGET 01 LESS ACTUAL 01
RESOURCES			
General Fund	\$17,842,133	\$17,823,234	\$18,899
Park Officer Retirements	\$86,071	\$86,071	\$0
Federal	\$15,152,546	\$13,532,101	\$1,620,445
Administration Fund	\$445,000	\$429,200	\$15,800
Conservation Fund	\$4,673,311	\$4,752,500	(\$79,189)
Other Funds	\$14,384,937	\$13,122,920	\$1,262,017
Groundwater Fund	\$3,881,415	\$3,217,892	\$663,523
Fish and Wildlife Trust Fund	\$26,371,240	\$26,090,199	\$281,041
TOTAL RESOURCES	\$82,836,653	\$79,054,117	\$3,782,536
EXPENDITURES			
Personnel	\$48,398,379	\$47,235,069	\$1,163,310
Extra Help	\$3,494,937	\$3,147,344	\$347,593
Support	\$16,356,204	\$16,669,313	(\$313,109)
Contracts	\$11,191,047	\$8,685,196	\$2,505,851
Equipment	\$3,396,086	\$3,317,195	\$78,891
TOTAL EXPENDITURES	\$82,836,653	\$79,054,117	\$3,782,536
ADMINISTRATIVE SERVICES FINAL 01	FY 01 BUDGET	FY 01 ACTUAL	BUDGET 01 LESS ACTUAL 01
RESOURCES			
General Fund	\$1,643,486	\$1,541,990	\$101,496
Federal	\$833,486	\$740,610	\$92,876
Fish and Wildlife	\$2,129,741	\$2,176,903	(\$47,162)
Groundwater Fund	\$235,004	\$200,902	\$34,102
REAP	\$666,337	\$628,982	\$37,355
Marine Fuel Tax	\$253,533	\$305,927	(\$52,394)
Infrastructure	\$222,765	\$208,285	\$14,480
Other	\$640,675	\$619,067	\$21,608
TOTAL RESOURCES	\$6,625,027	\$6,422,666	\$202,361
EXPENDITURES			
Personnel	\$4,564,990	\$4,550,698	\$14,292
Extra Help	\$205,836	\$194,390	\$11,446
Support	\$1,482,301	\$1,495,749	(\$13,448)
Contracts	\$40,000	\$3,425	\$36,575
Equipment	\$331,900	\$178,404	\$153,496
TOTAL EXPENDITURES	\$6,625,027	\$6,422,666	\$202,361

DIRECTOR'S OFFICE FINAL 01	FY 01	FY 01	BUDGET 01 LESS
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	BUDGET	ACTUAL	ACTUAL 01
RESOURCES			
General Fund	\$682,651	\$634,147	\$48,504
Federal	\$542,333	\$547,697	(\$5,364)
Fish and Wildlife	\$359,830	\$361,598	(\$1,768)
Administration Fund	\$445,000	\$429,200	\$15,800
Groundwater Fund	\$130,661	\$59,431	\$71,230
Other	\$254,530	\$255,994	(\$1,464)
TOTAL RESOURCES	\$2,415,005	\$2,288,067	\$126,938
EXPENDITURES			
Personnel	\$1,332,519	\$1,312,088	\$20,431
Extra Help	\$86,799	\$93,404	(\$6,605)
Support	\$942,274	\$790,985	\$151,289
Contracts	\$0	\$0	\$0
Equipment	\$53,413	\$91,590	(\$38,177)
TOTAL EXPENDITURES	\$2,415,005	\$2,288,067	\$126,938
ENERGY AND GEOLOGY FINAL 01	FY 01 BUDGET	FY 01 ACTUAL	BUDGET 01 LESS ACTUAL 01
RESOURCES			
General Fund	\$2,004,683	\$1,910,784	\$93,899
Federal	\$2,983,348	\$2,134,503	\$848,845
Oil Overcharge	\$238,183	\$149,343	\$88,840
Bonding Programs	\$216,728	\$170,736	\$45,992
Groundwater Fund	\$243,984	\$230,898	\$13,086
Other	\$189,405	\$118,893	\$70,512
TOTAL RESOURCES	\$5,876,331	\$4,715,157	\$1,161,174
EXPENDITURES			
Personnel	\$3,249,972	\$3,097,074	\$152,898
Extra Help	\$36,918	\$17,920	\$18,998
Support	\$610,225	\$488,139	\$122,086
Contracts	\$1,749,070	\$930,161	\$818,909
Equipment	\$230,146	\$181,863	\$48,283
TOTAL EXPENDITURES	\$5,876,331	\$4,715,157	\$1,161,174

ENVIRONMENTAL PROTECTION FINAL 01	FY 01 BUDGET	FY 01 ACTUAL	BUDGET 01 LESS ACTUAL 01
RESOURCES			
General Fund	\$5,212,753	\$5,317,753	(\$105,000)
Federal	\$8,591,756	\$8,272,775	\$318,981
Air Contaminant Fees	\$6,575,485	\$6,762,932	(\$187,447)
Groundwater Fund	\$678,471	\$658,084	\$20,387
Water Protection Fund	\$2,206,131	\$1,468,871	\$737,260
Operator Certification Fees	\$344,541	\$164,661	\$179,880
Manure Certification Program	\$77,825	\$85,455	(\$7,630)
Stormwater Permit Fees	\$564,438	\$449,047	\$115,391
Well Contractor Fees	\$59,714	\$49,848	\$9,866
Water Supply Lab. Cert. Fees	\$149,446	\$128,455	\$20,991
TOTAL RESOURCES	\$24,460,560	\$23,357,881	\$1,102,679
EXPENDITURES			
Personnel	\$12,126,695	\$11,886,967	\$239,728
Extra Help	\$0	\$0	\$0
Support	\$3,214,777	\$3,207,235	\$7,542
Contracts	\$8,005,052	\$6,773,130	\$1,231,922
Equipment	\$1,114,036	\$1,490,549	(\$376,513)
TOTAL EXPENDITURES	\$24,460,560	\$23,357,881	\$1,102,679

FISH AND WILDLIFE FINAL 01	FY 01 BUDGET	FY 01 ACTUAL	BUDGET 01 LESS ACTUAL 01
RESOURCES			
Fish and Wildlife Trust Fund	\$23,881,669	\$23,551,698	\$329,971
Corps Condition 5 Funds	\$388,656	\$325,198	\$63,458
TOTAL RESOURCES	\$24,270,325	\$23,876,896	\$393,429
EXPENDITURES			
Personnel	\$16,125,680	\$15,905,681	\$219,999
Extra Help	\$1,086,067	\$960,818	\$125,249
Support	\$5,362,672	\$5,634,377	(\$271,705)
Contracts	\$625,516	\$448,687	\$176,829
Equipment	\$1,070,390	\$927,333	\$143,057
TOTAL EXPENDITURES	\$24,270,325	\$23,876,896	\$393,429

FORESTRY FINAL 01	FY 01 BUDGET	FY 01 ACTUAL	BUDGET 01 LESS ACTUAL 01
RESOURCES			
General Fund	\$1,815,460	\$1,785,460	\$30,000
Federal	\$473,000	\$373,112	\$99,888
Forestry Enhancement Fund	\$304,957	\$292,867	\$12,090
Forestry Receipts	\$932,000	\$1,210,819	(\$278,819)
Other	\$93,500	\$96,218	(\$2,718)
TOTAL RESOURCES	\$3,618,917	\$3,758,476	(\$139,559)
EXPENDITURES			
Personnel	\$2,431,194	\$2,395,638	\$35,556
Extra Help	\$141,096	\$193,799	(\$52,703)
Support	\$936,509	\$1,119,308	(\$182,799)
Contracts	\$8,500	\$6,309	\$2,191
Equipment	\$101,618	\$43,422	\$58,196
TOTAL EXPENDITURES	\$3,618,917	\$3,758,476	(\$139,559)

PARKS PRESERVES AND RECREATION FINAL 01	FY 01 BUDGET	FY 01 ACTUAL	BUDGET 01 LESS ACTUAL 01
RESOURCES			
General Fund	\$6,483,100	\$6,633,100	(\$150,000)
Park Officer Retirement	\$86,071	\$86,071	\$0
Federal	\$282,364	\$173,012	\$109,352
Park Receipts	\$3,741,311	\$3,541,681	\$199,630
Infrastructure	\$127,053	\$54,449	\$72,604
Other	\$173,422	\$140,009	\$33,413
TOTAL RESOURCES	\$10,893,321	\$10,628,322	\$264,999
EXPENDITURES			
Personnel	\$5,532,108	\$5,291,549	\$240,559
Extra Help	\$1,773,987	\$1,525,757	\$248,230
Support	\$3,045,940	\$3,308,494	(\$262,554)
Contracts	\$208,777	\$206,957	\$1,820
Equipment	\$332,509	\$295,565	\$36,944
TOTAL EXPENDITURES	\$10,893,321	\$10,628,322	\$264,999

WASTE MANAGEMENT FINAL 01	FY 01 BUDGET	FY 01 ACTUAL	BUDGET 01 LESS ACTUAL 01
RESOURCES			
Groundwater Fund	\$2,593,295	\$2,068,577	\$524,718
Federal	\$1,401,759	\$1,244,387	\$157,372
Groundwater Professional Regis.	\$46,216	\$60,451	(\$14,235)
Hazardous Waste Remedial Fund	\$391,623	\$456,714	(\$65,091)
Waste Tire Permitting	\$2,000	\$2,542	(\$542)
LUST Insurance Fund	\$75,000	\$75,000	\$0
Land Recycling Fund	\$31,600	\$27,337	\$4,263
Waste Volume Reduction Fund	\$76,000	\$9,589	\$66,411
Waste Tire Program	\$59,674	\$62,055	(\$2,381)
TOTAL RESOURCES	\$4,677,167	\$4,006,652	\$670,515
EXPENDITURES			
Personnel	\$3,035,221	\$2,795,374	\$239,847
Extra Help	\$164,234	\$161,256	\$2,978
Support	\$789,256	\$642,551	\$146,705
Contracts	\$526,382	\$299,002	\$227,380
Equipment	\$162,074	\$108,469	\$53,605
TOTAL EXPENDITURES	\$4,677,167	\$4,006,652	\$670,515

Mark Slatterly, Bureau Chief for the Budget and Finance Bureau said he was filling in for Linda Hanson who was on vacation. He said the Department finished the fiscal year with a surplus balance of \$18,899. This was caused primarily by a receivable that was supposed to have come in from USGS, which had not yet come before the fiscal year closed. As of September 1, the Department had not reverted anything, once this receivable comes in they will revert it to the General Fund. He said the Department also received in August an appropriation transfer from the Department of Education to cover the cost of park officer retirements.

Kelly Tobin asked if there would be more cuts in the future.

Mark Slatterly said it was going to be a rough year, there is a 4.3 across the board cut that need to be dealt with for this fiscal year. There is particular concern for the Parks division because of a \$500,000 cut in their appropriation during the last legislative session. Part of that loss was supposed to have been made up through an increased of receipts, which have not been coming in at a higher level despite an increase in fees.

INFORMATIONAL ONLY

DIRECTOR'S REPORT

Jeffrey Vonk said there are agreements with the Environmental Protection Agency where the Department implements programs on their behalf and they provide funds, which are matched by the Department. Those funds will be affected by this across the board cut so he will be contacting the EPA to negotiate what the affects will be.

CONTRACT FOR CONSTRUCTION AND TESTING OF MONITORING WELLS

Larry Bean, Division Administrator, Energy and Geological Services Division, presented the following item.

The Department requests the Commission's approval of a \$67,700 construction contract with Aquadrill, Inc of Coralville, IA to conduct rock coring aquifer testing, geophysical logging, and construction of four groundwater monitoring wells in Rutland Marsh, northwest of Humboldt, in Humboldt County. Aquadrill, Inc. was the only bidder on the project.

This would be the second well nest developed in the creation of a monitoring well network for aquifers across the state in strategic locations. The first well nest was drilled in Briggs Woods, Hamilton County during FY01. Well nests are groups of wells, each finished in different discrete strata that are co-located. Water from these wells will be age dated to determine relative vulnerability, and tested for many years for changes in water quality and water levels. They are the best way of monitoring ambient groundwater because they are very precise and are not influenced by pumping. In this instance the target is the Mississippian-age aquifer, which is widely used in central Iowa for municipal and private sources of drinking water and is potentially impacted by the presence of several agricultural drainage wells.

Funding for this contract is available from RIIF State funds appropriated as part of the Iowa Water Quality Initiative.

Larry Bean introduced Mary Skopec, Section Supervisor for the Water Monitoring Section at the Geological Survey Bureau.

Mary Skopec briefed the Commission on the contract.

Kelly Tobin asked when the results would be available and if the Commission would be receiving a report.

Mary Skopec said they would be monitoring at least yearly, possibly more frequently depending on the age of the water. The younger the water it is more likely to be impacted by surface contaminants so they would be sampled more frequently. She said the results will be published on fact sheets, publishing it in the Conservationist Magazine, and they would be happy to supply the Commission with those reports.

Kathryn Murphy asked how many well nests they were planning on drilling.

Mary Skopec said they were looking in the neighborhood of 50 to 60 nests but it would depend on where they find holes in the information on the aquifers.

Lori Glanzman asked if Aquadrill was the only company who drills these nests.

Mary Skopec said they were the only company who bid on the project because it is specialized drilling, she said there were other companies out there that could have bid on the job but did not. She said she would like to point out that Aquadrill came in significantly under budget on the first nest of wells and have been good to work with.

Brief discussion followed about future well nests.

James Braun asked what criterion was used to distinguish old water from new water.

Mary Skopec said when the nuclear bombs were tested in the 1950's they released tritium into the atmosphere. Tritium gets into the water and then migrates into the groundwater so if you find high levels of tritium you know that the water is what is called post-bomb or new water. If there are low levels of tritium it is pre-bomb or old water.

Motion was made by James Braun to approve the contract as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT TO CONDUCT A STAKEHOLDER MEETING AND BASELINE SURVEY OF THE FOOD PROCESSING INDUSTRY

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve contracting with Kerr, Greiner, Anderson & April, Inc., of Reston, Virginia, to conduct the first phase of a multiple phase project to improve environmental compliance rates in the food processing industry. **Phase I** includes a stakeholder meeting facilitated by the contractor to refine the project scope and focus, determine industry needs, and identify approaches to effectively communicate with this industry sector. The contractor will also conduct a survey of the food processing industry to verify information collected from the stakeholder meeting as well as establish a baseline of the industry's awareness of environmental issues. The contract, which will be administered by the Land Quality & Waste Management Assistance Division (LQWMAD), will not exceed \$30,000. One hundred percent of the funding for the project is provided by an U.S. EPA grant.

The food processing sector rates second in the amount of toxic releases reported (see table below) when compared to other Iowa industry sectors. As far as air quality issues, this industry contributes high levels of particulate matter, NO_x, SO₂, volatile organic compounds and carbon monoxide. Food processing facilities place incredible demands on municipal wastewater systems in terms of volume and organic material discharged. DNR field personnel have articulated this last fact as a major concern. The food processing sector also produces over 124,000,000 lbs./week of solid waste/residue, as noted in the Food Wastes Database Development, Final Report, March 1998.

**TRI On-site and Off-site Reported Releases (in pounds), All Chemicals by
Industry
State of Iowa 1999**

Industry	Total Air Emissions	Surface Water Discharges	Releases to Land	Total On-site Releases	Total Off-site Releases	Total On- and Off-site Releases
<i>Primary Metals</i>	385,555	28,245	1,378,898	1,793,698	8,538,311	10,332,009
Food	5,789,739	2,499,189	1,260	8,290,188	1,035,697	9,325,885
Chemicals	6,966,882	928,443	4,317	7,899,642	491,890	8,391,532
Electrical Equipment	1,152,313	464,192	0	1,616,505	202,849	1,819,354

These air, wastewater and solid waste problems can be caused by the fact that, in many cases, businesses are not operating as efficiently as they could be. This inefficiency results in compliance problems and wastes. The industry is not always aware of their environmental responsibilities or of the tools that may help them meet their environmental obligations. Providing the right tools and assistance to the industry can assist them in meeting their compliance obligations and potentially go beyond compliance limits, and reduce their liabilities.

The stakeholder meeting will assist in refining the project scope and focus (e.g., industry wide or subsector approach, partnering, communication tools and approaches, etc.). The meeting will also identify and define the industry's needs regarding compliance assistance, pollution prevention (P²) strategies and environmental management systems (EMS) awareness. The information gathered as a result of this meeting will assist the LQWMAD in finalizing the project approach as well as the best avenues and formats in which to deliver the messages to the various audiences. Participants will reflect a diverse group of internal and external stakeholders including:

- DNR regulatory staff
- DNR technical assistance staff
- business and industry
- external regulatory entities
- external technical assistance entities

The purpose of the survey is to assist in further refining the scope and focus of the project, verifying information gathered in the stakeholder meeting, and establishing a baseline of the industry's awareness and understanding of compliance issues, P² strategies and EMS. This survey will also serve as a tool to measure behavioral changes at the end of this multi-phase project.

This contract provides services that represent the integral stage of a proposed process that is structured into three distinct phases. *Phase I* is designed to refine the project and gather information. The information gained through the activities of the first phase will be used as the foundation for the other phases of the project. The second phase will provide compliance, P² and

EMS training to the food processing industry, technical assistance providers, and regulators while setting the stage for outreaching to industry in Phase III.

Liz Christiansen said the Department has been trying to build a partnership with the food processing companies in Iowa to learn more about their procedures and to help them develop environmental management systems. The contractor would facilitate a stakeholder meeting to bring these companies together and then would conduct a survey to gather information about the food processing industry. The contract is one hundred percent funded by the United States Environmental Protection Agency but will be administrated by the Department. She said regulatory work is a big part of what the department does but they are also investigating environmental management systems in the Land Quality and Waste Management Assistance Division. If adopted by a company, environmental management systems can often take a company beyond regulatory performance to its best performance. Food processing is an important industrial sector in Iowa but it does produce some pollutants, particularly organic waste.

Motion was made by Kathryn Murphy to approve the contract as presented. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION - CHAPTER 132, TRANSPORTATION OF RADIOACTIVE MATERIALS IN IOWA

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Commission will be asked to approve the rescission of Chapter 132, "Transportation of Radioactive Materials in Iowa" 567 Iowa Administrative Code.

Governor Vilsack required agencies to conduct a rules review assessment in order to eliminate unnecessary and redundant rules. As a result of the review, it was determined that Chapter 132 may be rescinded.

The Iowa Department of Public Health has authority to establish policy for the transportation, storage, handling and disposal of radioactive material for the purpose of protecting the public health and safety. This authority is granted by Iowa Code Chapter 136C and in conjunction with agreements between Iowa Department of Transportation and the U.S. Nuclear Regulatory Commission. The Iowa Department of Natural Resources currently delegates all of its authority in this area to the Iowa Department of Public Health through a 28E agreement.

The Department also plans to rescind Code of Iowa 455B, Division IV, Solid Waste Disposal, Part 2, Radioactive Waste, during the upcoming legislative session.

Written comments must be received no later than December 4, 2001. A public hearing is not scheduled for this item.

(A copy of the notice of intended action is available in the Department's Record Center.)

Michael Murphy briefed the Commission on the notice of intended action.

Kathryn Murphy asked if there was anything in the DNR rules that are not included in the Department of Health rules.

Michael Murphy said the Department's rules were very vague and there was nothing that was not being addressed by the Department of Health.

Motion was made by Kathryn Murphy to approve the notice of intended action as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

EMERGENCY RULE AND NOTICE OF INTENDED ACTION – CHAPTER 44, STATE REVOLVING FUND FOR DRINKING WATER; CHAPTER 92, STATE REVOLVING FUND FOR WASTEWATER; CHAPTER 93, STATE REVOLVING FUND FOR ONSITE SYSTEMS

Jack Riessen, Bureau Chief, Water Quality Bureau, presented the following item.

The Commission will be asked to adopt as emergency and simultaneously publish a Notice of Intended Action for amendments for the drinking water, wastewater, and onsite revolving loan program rules. The substantive changes to the rules will:

- Establish a uniform, low interest rate (3%) for loans, replacing the existing, complicated rate formula that depends on a number of factors including bond interest rates. The 3% loan rate will be considerably lower than the rates provided under the existing rate formula and it is expected that the lower interest rate will make the program more attractive to water and wastewater utilities.
- Provide more flexibility in loan repayment schedules (e.g., shorter term loans), increase the annual loan servicing fee from 0.05 to 0.25 percent, address parity with other recipient obligations, and specify revenue pledge coverage requirements.
- Acknowledge that EPA clean water capitalization grants will be used to capitalize the Onsite Wastewater Assistance Fund established in Chapter 93.
- Eliminate the provision in Chapter 93 that says the Department will assume the risk for delinquent on-site SRF loans.

Other changes for clarification and uniformity are also being proposed.

The changes to the drinking water and wastewater revolving loan programs, jointly administered with the Iowa Finance Authority, are being proposed more or less concurrently with a financial restructuring of the funds as recommended by the revolving loan program financing team, including IFA's consultants and bond counsel. Iowa provides the cost match for EPA capitalization grants by issuing bonds and the number of bond issues outstanding has complicated program administration. The restructuring will consolidate bond issues and make other changes that may, in the future, allow use of the clean water revolving fund for non-traditional projects such as loans for animal feeding operation pollution control facilities or brownfields cleanup.

The changes to Chapter 93 are being promulgated to eliminate a conflict with the Iowa Constitution. Informal advice from the Attorney General's office indicated that 567 IAC 93.5(1)"b" violates the constitutional provision of Article VII, Section 1, that prohibits the State from lending credit or assuming the debts or liabilities of another.

The Commission is being asked to "double barrel" these amendments – adopt as emergency and simultaneously publish a Notice of Intended Action - because of the nature of these amendments and the benefits for potential loan recipients. This will minimize delays in loan commitments and allow applicants to take advantage of the lower interest rates and other benefits provided in the amendments as soon as possible. It will also accommodate the implementation of the Onsite Wastewater Assistance Fund by allowing the Intended Use Plan to include the necessary provisions at the appropriate time.

(A copy of the rule is available in the Department's Record Center.)

Jack Riessen said there were two main purposes for the proposed changes. First under the existing rule for drinking water and clean water state revolving funds (SRF) the loan rate each year depends on the bond sales. Since the Department provides the state match for EPA capitalization grants through the sale of municipal bonds, they can't determine an interest rate for these loans until the bond sale actually goes through. These rules propose a low, uniform 3% interest rate that may go lower in the future depending on future bond sales. The second reason for the change is regarding Chapter 93, which is the onsite revolving loan fund that the Department is trying to get going. The Department initially thought if they could assume the risk for bad loans it would keep interest rates lower. However this would be a violation of an Iowa constitutional provision. He said they are asking the Commission to adopt these rules emergency, which is something staff ordinarily do not like the Commission to do, but this rule change will confer a benefit, is not controversial and it has been recommended by the Iowa Finance Authority. In addition, the Department will simultaneously file a notice of intended action and take the rule through the normal rulemaking process.

Motion was made by Kelly Tobin to approve the Emergency Rule as presented and to begin the normal rulemaking process. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

AMENDMENT TO SFY 2002 DNR/UHL AIR QUALITY BUREAU SUPPORT CONTRACT

Catharine Fitzsimmons, Environmental Program Supervisor for Air Quality Bureau presented the following item:

The Commission will be asked to approve the attached amendment to the interagency agreement between the Department and the University of Iowa Hygienic Lab (UHL). This consolidates contracting for professional assistance provided to the Air Quality Bureau. The UHL agreement currently provides UHL support of Air Quality Bureau activities including ambient air monitoring, stack test observation, and asbestos sample analysis.

Contracting services were previously provided by Merit Resources Inc. The general services with Merit Resources expires December 27, 2001, and will not be renewed. To continue the level of service and support for regional modeling, ambient monitoring, emissions inventory, and program development, seven contract positions will be transferred to UHL. The cost for providing those services at UHL will be \$261,441. The Air Quality Bureau budget for Merit Resources has a remaining balance of \$261,970 to cover the cost of the conversion. With the termination of the Merit Resources contract the actual cost of making this change will be in the form of additional UHL administrative and benefits costs totaling \$6,000 per FTE. However, we have eliminated two of these contract positions to cover the cost of the increased benefits and administrative charges.

The existing contract total of \$1,713,690 will be increased by \$261,441. The amended contract total is \$1,975,131.

(A copy of the contract amendment is available in the Department's Record Center.)

Catharine Fitzsimmons said this contract amendment would move seven positions from Merit Resources Contract to the University Hygienic Laboratory because the contract with Merit Resources will be ending in December. The State will then be contracting with a new agency and those positions will have a time limit of 18 months, which would not work because the activities that are being performed by these employees are ongoing. She said in an effort to make this a no additional cost switch they will not fill one vacancy in that area. A senior staff person will be asked to take on the additional duties of that person.

Motion was made by James Braun to approve the contract amendment as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

PETITION FOR RULE MAKING – IOWA CCI

Catharine Fitzsimmons, Environmental Program Supervisor for Air Quality Bureau presented the following item:

On January 15, 2001, the Iowa Citizens for Community Improvement, et al., (Iowa CCI) filed with the Iowa Department of Natural Resources (DNR) a Petition for Rulemaking proposing to adopt a new 567 Iowa Administrative Code chapter 32, Controlling Pollution from

Confined Feeding Operations. The petition proposes the adoption of a detailed set of rules creating a comprehensive construction and operating permit program and the setting of emissions standards for the regulation of emissions of various chemicals and odors from large-scale livestock facilities. Subsequently, Iowa CCI in a letter to DNR agreed to extend the period for consideration of the petition beyond the 60 days past January 15, 2001, provided in the administrative procedures.

At the April 2001, Environmental Protection Commission meeting the petition was brought to the Environmental Protection Commission and, with the concurrence of Iowa CCI, tabled until the October 2001, Commission meeting.

October 1, 2001, the Department received a letter from Iowa CCI indicating that further delay of consideration of the petition, until February 2002, would be acceptable.

Catharine Fitzsimmons briefed the Commission on the history of the petition for rulemaking. She said that Iowa CCI had agreed to allow the Department to extend the period for consideration of this petition once again to allow the results from the two universities to be received.

Hugh Espey from Iowa CCI said they have researched Iowa Code and has spoken with attorneys and they feel it is very clear and gives the Commission the power, without amending the code, to move forward and develop air quality standards for what Iowa CCI refers to as factory farms. The definition of air pollution states that it is not limited to air pollution coming out of an industrial site. People living next to these facilities are sick, their health and quality of life have been seriously impacted and we cannot and should not wait any longer. He said they are not opposed to the EPC or DNR proposing a legislative solution but they would be opposed to it being the only solution that comes from this. He called the Commissions attention to an article that had come out of the City View regarding a \$1,000 a plate fundraiser that the CEO of Iowa Select was hosting for the four top legislators in the Iowa House and Senate that evening. He said Iowa CCI is still unsure about the Commission's commitment to using the rule making process to establish air quality standards after the results from the study has been received.

Darrell Hanson said it is pointless to make a decision prior to receiving the information from the study. If there is good evidence of human health problems being caused from gases that come from large confinement units, then there will be reason to proceed.

Lisa Davis Cook said it was her opinion that the research is a precursor to the rulemaking process.

Darrell Hanson said one of the central issues is whether or not there is actual evidence that there are human health problems being caused by large confinement units. The Commission has been told by Iowa CCI that there is sufficient research to prove this. He said he had been doing a little of his own research and has found the following statement made in 1997, "Until very recently, research has been devoted to understanding human exposures and health consequences of working in swine confinement environments, however very little research has been conducted on exposures to external emissions. Research on exterior conditions is primarily targeted to the reduction and elimination of odor emissions from swine operations, however little work has been devoted to understanding odor related complaints and health problems among residents living near large livestock operations." In another statement from earlier this year it says, "The research on the impact of hydrogen sulfide generated by livestock on the respiratory problems

among the surround population is probably not strong enough to prompt a tougher standard for air pollution regulations until there is further research.”

Hugh Espey said he would like to know what the source of those statements were.

Darrell Hanson said the quotes he read came from two of the sources on the list of studies supplied by Iowa CCI. In addition each of the studies listed said that the link had not yet been proven.

Kelly Tobin said he was mostly concerned with the possibility of groundwater contamination.

Hugh Espey said Iowa CCI also sent two letters, copies of which are included in the packet, that he would like to follow up on. He said according to the Iowa CCI members in Hancock County the Thompson/Land O’ Lakes facility is still dumping manure on land that he is not supposed to, he asked Jeff if he would follow up on it.

Jeff Vonk said he would and that he has asked staff from the Water Quality Bureau to brief him on all of the issues raised in the letters and he plans to get back to Iowa CCI as soon as he can.

Hugh Espey said the other issue is the Ludwig/Land O’ Lakes in Humboldt County that is already up and running. They are currently spreading their manure in an area that drains into two of the largest natural sinks in the county.

Darrell Hanson said he did not want to direct his comments to Mr. Espey because he was not the person who made the statement that the research had been in for 10 years. Although he is not trying to argue that there is not an issue that needs to be he is concerned because they are an organization that depends on the information they receive to make their decisions and he feels the Commission needs to be careful about that information. He asked the staff to send him copies of each of the studies submitted by Iowa CCI, that were referred to on the handout because he assumed they would provide the strongest evidence in support of their position. Although some were difficult to figure out due to missing pages, which he asked for and received from other sources, he read through all of the nine studies. Of the nine listed only six of them were actual studies. One of them was a comment from the Handbook of Hazardous Materials that says that hydrogen sulfide is toxic. The two studies from the Minnesota Department of Public Health that were listed on the handout are neither a scientific study nor is it two separate items. There may have been research that backed it up but it was not available from the letter that was received from Iowa CCI. Of the six documents that were actual studies, only three of them dealt directly with the health impacts of animal confinement units on nearby residents. The study that dealt with neurological damage dealt with exposure from working in an asphalt shipping facility at levels between 1,000 and 10,000 p.p.m. Of the three studies that looked at impacts on nearby residents, there are no claims by the authors of having settled or proven this issue. Most of them characterized their research as preliminary data, or exploratory findings and in one case the person was simply trying to test his methodology.

INFORMATION ONLY

ECONOMIC IMPACT OF IOWA'S RECYCLING INDUSTRY

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

Representatives from R.W. Beck Incorporated findings from the recently-commissioned study to measure the impact of Iowa's recycling industry on the state's economy.

Background

The Iowa Department of Economic Development, with technical assistance from the Department of Natural Resources, recently commissioned a study to measure the impact of Iowa's recycling industry on our state's economy. The study was conducted by R.W. Beck, Incorporated and Ames Research Associates.

The study objectives included the measurement of current economic impacts of Iowa's recycling market infrastructure on employment, income and tax revenue, and the identification of specific recyclable material market development opportunities that maximize beneficial economic impacts upon the State's economy and diversion from Iowa's landfills.

Economic Impact Facts

The 2001 study reported on job creation in the recycling sector. Among the important findings,

- For every dollar in total income created in the recycling processing industry, \$1.03 of additional income is sustained in the Iowa economy.
- Direct manufacturing jobs in the recycling industry support typically high annual wages, averaging \$47,691 per job.
- Recycling-related end-use manufacturing operations in Iowa sustain over 23,000 jobs and generate nearly \$3.33 billion in total industrial output.
- The recycling equipment industry, one sector in the statewide recycling industry, provides more than \$80 million in total industrial output and 725 jobs.

Liz Christiansen said the Department of Economic Development along with the Department of Natural Resources commissioned a study recently to look at the economic impact of recycling in Iowa. Bob Craggs from R.W. Beck was the contractor who worked on the study and would present the findings to the Commission. Also Dave Swenson, a Regional Scientist for the Economics Department of Iowa State University and Dave Cretors from the Department of Economic development were available to answer any question the Commission might have after the presentation.

Bob Craggs explained the methodology used, presented the findings from the survey, and provided the recommendations developed from the survey for the expansion of the recycling opportunities.

(A printout of the PowerPoint presentation is available in the Department's Record Center.)

INFORMATION ONLY

PROPOSED RULE – CHAPTER 20, SCOPE OF TITLE-DEFINITIONS-FORMS-RULES OF PRACTICE; CHAPTER 22, CONTROLLING POLLUTION; CHAPTER 23, EMISSION STANDARDS FOR CONTAMINANTS; CHAPTER 25, MEASUREMENTS OF EMISSIONS

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The attached draft Notice of Intended Action to amend Chapter 20, "Scope of Title—Definitions—Forms—Rules of Practice," Chapter 22 "Controlling Pollution," Chapter 23 "Emission Standards for Contaminants" and Chapter 25, "Measurement of Emissions" of the 567 Iowa Administrative Code is being presented to the Environmental Protection Commission. At next months Environmental Protection Commission meeting, approval to proceed with the rulemaking process and publish a notice of intended action on these proposed rule revisions and additions will be requested.

This proposed rulemaking consists of a general update to the air quality rules. This update incorporates more recent dates of reference to federal regulations or amendments to existing federal regulations.

In addition, these rules propose to adopt by reference 5 national emission standards for hazardous air pollutants (NESHAPs) and one standard of performance for new sources (NSPS) that were promulgated by EPA. The new NESHAPS cover the following source categories: chemical recovery combustion sources at kraft, soda and sulfite and stand alone semichemical pulp mills; secondary aluminum production, manufacturing of nutritional yeast, solvent extraction for vegetable oil production and boat manufacturing. The NSPS covers commercial and industrial solid waste incineration units.

The proposed rules also provide requirements for notification to the department before the construction of emission units. Where notification has been required in the past, the proposed rules have added additional guidance on the type and timing of information submitted to the department. Other administrative amendments are included in these proposed rules which make the rules either easier to understand or clarify ambiguous language.

(A copy of the proposed rule is available in the Department's Record Center.)

Michael Murphy said the proposed rule changes are due to the semi annual update of air quality regulations to incorporate changes that have been made by the Federal EPA.

INFORMATION ONLY

DRAFT STATE IMPLEMENTATION PLAN FOR DAVENPORT, IOWA

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Department (DNR) plans to take forward, for public hearing and comment, a draft State Implementation Plan (SIP) to resolve a violation of the PM-10 (particulate matter less than 10 microns in diameter) ambient air quality standard in Davenport. A copy of the draft SIP will be provided to the Commission at the October meeting for information.

Between October 30, 1996, and March 27, 2000, DNR monitored three exceedances of the 24-hour PM-10 ambient air quality standard at one monitor in Davenport. These exceedances constitute a violation of the National Ambient Air Quality Standards.

The term PM-10 is used for particles (less than 10 microns in diameter) found in the air, including dust, dirt, soot, smoke, and liquid droplets. These particles can be suspended in the air for long periods of time. Many scientific studies have linked breathing these particles to a series of significant health problems, including:

- aggravated asthma ,
- increases in respiratory symptoms like coughing and difficult or painful breathing,
- chronic bronchitis,
- decreased lung function, and
- premature death.

The state is required by the federal Clean Air Act to develop a plan to remedy and prevent further violations of the air standard, or to begin the process of designating the area as “nonattainment.” Because of the public health and economic implications of having nonattainment areas, DNR committed extensive staff resources to develop a plan that would ensure that the standards would no longer be violated and would continue to be met in the future.

Air dispersion modeling by DNR has indicated that Blackhawk Foundry is the primary contributor to the PM-10 levels monitored.

DNR and Blackhawk have worked together to develop a practical plan to reduce ambient PM-10 emissions in the area, thus allowing the area to remain attainment for PM-10. To that end, DNR and Blackhawk have entered into an Administrative Consent Order that will require Blackhawk to:

1. Control fugitive dust emissions from coke, bond, and sand handling.
2. Collect and control with a baghouse PM-10 emissions from the ductile treatment process.
3. Limit daily and annual process rates on various emission units and conduct record keeping to demonstrate compliance.
4. Construct a stack that will allow PM-10 emissions from the mold cooling and wheelabrator emission units to be properly dispersed to the ambient air.

5. Check and perform maintenance on the cupola cap as necessary to ensure that it seals properly at all times.

A 30-day public comment period on the draft State Implementation Plan will begin on October 22, 2001, and extend through November 20, 2001. Copies of the draft State Implementation Plan, including the Administrative Consent Order, will be available for public review during the public comment period at the Air Quality Bureau offices on 7900 Hickman Road, Suite 1, in Urbandale, the DNR Field Office #6 in Washington, and at the Davenport Public Library at 321 Main Street in Davenport. The draft SIP will also be available on the DNR website at: <http://www.iowacleanair.org/citizen/citizen.htm> . A public hearing at which oral and written comments will be received will be held at the Davenport Public Library, 321 Main Street, Davenport, on November 14, 2001, from 6 p.m. to 7 p.m. Written comments on the draft SIP should be submitted no later than November 20, 2001, to Jim McGraw, Iowa Air Quality Bureau, 7900 Hickman Road, Suite 1, Urbandale, IA 50322, or jim.mcgraw@dnr.state.ia.us.

At the December 17, 2001, meeting the Commission will be asked to approve the final State Implementation Plan for remedying past, and preventing future violations of the ambient air quality standard. The SIP will then be forwarded to U.S. EPA for federal notice and approval.

Michael Murphy distributed the proposed State Implementation Plan for PM₁₀ for the Davenport Area. He said the amendment being proposed is in response to a consent order with Black Hawk Foundry. It will be going to public notice and public comment beginning October 22.

INFORMATION ONLY

MONTHLY REPORTS

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

Proposal	Notice to Commission	Notice Published	ARC #	Rules Review Committee	Hearing	Comment Period	Final Summary to Commission	Rules Adopted	Rules Published	ARC #	Rules Review Committee	Rule Effective
1. Ch. 1, 9 and 11 - EPC Quorum Voting Requirements	9/17/01	10/17/01		*11/05/01	*11/08/01	*11/19/01	*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
2. Ch. 13 - Waiver Rules	2/19/01	3/21/01	0573B	4/06/01	-----	4/10/01	9/17/01	9/17/01	10/17/01		*11/05/01	*11/21/01
3. Ch 20, 22 - Air Quality Rules	5/21/01	6/13/01	0736B	7/10/01	7/19/01	7/27/01	*11/19/01	*11/19/01	*12/12/01		*1/08/02	*1/16/02
4. Ch. 22 - Revised Deadline for Timely Submittal of Title V Permits	9/17/01	10/17/01		*11/05/01	*11/15/01	*11/30/01	*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
5. Ch. 22 - Exempt Small Emission Units and Indoor Sources from AQ Construction Permitting	9/17/01	10/17/01		*11/05/01	*11/26/01	*11/30/01	*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
6. Ch. 44, 92 & 93 - State Revolving Funds for Drinking Water, Wastewater and On-Site Systems	10/22/01	*11/14/01		*12/03/01			*1/22/02	*1/22/02	*2/09/02		*3/04/02	*3/13/02
7. Ch. 44, 92 & 93 - State Revolving Funds for Drinking Water, Wastewater and On-Site Systems							10/22/02	*10/22/02	*11/14/02			
8. Ch. 60, 62, and 63 - Update Pre-treatment Standards to Remain Current with Federal Regulations							9/17/01	9/17/01	10/17/01		*11/05/01	*11/21/01
9. Ch. 61 - WQ Standards	1-16-01	2/07/01	0470B	3/09/01	2/20, 22, 26; 3/2/01	2/14/01	8/20/01	8/20/01	9/19/01	0940B	10/09/01	*10/24/01

10. Ch. 65 - Pre-Construction Manure Management Plan Requirements	8/20/01	9/19/01	0938B	10/02/01	10/17/01	10/17/01	*11/19/01	*11/19/01	*12/12/01		*1/08/02	*1/16/02
11. Ch. 65 - Newly Submitted Manure Management Plan	5/21/01	6/13/01	0731B	7/10/01	7/03/01	7/03/01	9/17/01	9/17/01	10/17/01		*11/05/01	*11/21/01
12. Ch. 65 - Iowa Open Feedlot Registration Program	6/18/01	7/11/01	0818B	8/07/01	7/31/01	7/31/01	8/20/01	8/20/01	9/19/01	0939B	*10/09/01	*10/24/01
13. Ch. 102 - Permits Emergency Response and Remedial Action Plans (ERRAP)	5/21/01	6/13/01	0734B	7/11/01	7/05/01	7/05/01	8/20/01	8/20/01	9/19/01	0941B	10/09/01	*10/24/01
14. Ch. 118 - Removal of Disposal of PCBs from Appliances Prior to Processing	4/16/01	5/16/01	0668B	6/05/01	6/05/01	6/05/01	*11/19/01	*11/19/01	*12/12/01		*1/08/02	*1/16/02
15. Ch. 119, 144, 210, 211, 212 & 214 - Waste Management Asst. Division Rule Revisions	9/17/01	*10/17/01		*11/05/01	*11/27/01	*11/27/01	*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
16. Ch. 132 - Transportation of Radioactive Materials in Iowa	10/22/01	*11/14/01		*12/03/01			*1/22/01	*1/22/01	*2/09/02		*3/04/02	*3/13/02
17. Ch. 134 - Certification of Groundwater Professionals	9/17/01	10/17/01		*11/05/01	*11/06/01	*11/09/01	*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
18. Ch. 135 - Technical Standards and Corrective Action Requirements for Owners/Operators of USTs	9/17/01	10/17/01		*11/05/01	*11/06/01	*11/09/01	*12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02

Monthly Variance Report September, 2001

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Equistar Chemicals, LP-Clinton	Air Quality		Permit Requirements	Approved	09/17/01
2	Iowa Ammunition Plant-Middletown	Air Quality		Permit Requirements	Approved	09/18/01
3	Oak Lake Maintenance-Kossuth County	Wastewater Construction	Kuehl & Payer, Ltd.	Curtain Wall	Approved	09/20/01
4	Tipton, City of	Solid Waste	Director of Public Works	Gate & Sign	Approved	09/04/01

During the period September 1, 2001, through September 30, 2001, 58 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Substance

Mode

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Month	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	60 (62)	3 (6)	42 (48)	14 (5)	22 (32)	32 (23)	0 (1)	1 (2)	1 (0)	4 (4)
November	58 (64)	4 (10)	40 (38)	14 (15)	19 (26)	32 (30)	0 (1)	4 (3)	1 (1)	2 (3)
December	44 (67)	0 (10)	28 (40)	16 (17)	10 (23)	31 (34)	0 (1)	1 (4)	0 (0)	2 (5)
January	55 (41)	7 (4)	36 (27)	12 (9)	13 (13)	33 (24)	0 (1)	0 (0)	0 (0)	9 (3)
February	58 (65)	0 (3)	43 (32)	15 (30)	14 (14)	36 (48)	0 (0)	4 (0)	1 (1)	3 (2)
March	80 (96)	3 (20)	55 (64)	22 (12)	21 (43)	48 (45)	1 (2)	2 (0)	2 (0)	6 (6)
April	126 (112)	32 (39)	71 (42)	23 (31)	35 (38)	78 (63)	3 (0)	4 (0)	1 (3)	5 (8)
May	111 (97)	24 (25)	65 (59)	22 (13)	28 (38)	71 (53)	3 (0)	3 (2)	1 (0)	5 (4)
June	92 (96)	17 (11)	59 (62)	16 (23)	25 (27)	58 (59)	1 (1)	3 (0)	0 (0)	5 (9)
July	68 (99)	7 (4)	50 (76)	11 (19)	19 (20)	37 (66)	0 (3)	2 (6)	1 (2)	9 (2)
August	93 (75)	12 (4)	62 (57)	19 (14)	19 (20)	58 (49)	4 (0)	4 (1)	1 (0)	7 (5)
September	58 (86)	3 (1)	35 (68)	20 (17)	20 (22)	36 (56)	0 (1)	2 (0)	0 (0)	0 (7)
Total	903 (960)	112 (137)	586 (613)	204 (205)	245 (316)	550 (550)	12 (11)	30 (18)	9 (7)	57 (58)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
5	8	4	5	26	10

During the period September 1, 2001, through September 30, 2001, 7 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	5 (6)	0 (0)	2 (3)	2 (2)	1 (1)	4 (6)	1 (0)	0 (0)	0 (0)	1 (2)
November	3 (4)	0 (0)	2 (2)	1 (1)	0 (1)	3 (3)	0 (1)	0 (0)	0 (0)	1 (0)
December	2 (2)	0 (0)	1 (1)	1 (1)	0 (0)	2 (1)	0 (1)	0 (0)	0 (0)	0 (0)
January	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	4 (1)	0 (0)	4 (1)	0 (0)	0 (0)	4 (1)	0 (0)	0 (0)	0 (0)	2 (1)
March	2 (0)	0 (0)	1 (0)	1 (0)	0 (0)	1 (0)	1 (0)	0 (0)	0 (0)	0 (0)
April	6 (1)	0 (0)	3 (1)	0 (0)	3 (0)	5 (1)	1 (0)	0 (0)	0 (0)	0 (0)
May	3 (1)	0 (0)	3 (1)	0 (0)	0 (0)	3 (0)	0 (1)	0 (0)	0 (0)	0 (1)
June	2 (0)	0 (0)	2 (0)	0 (0)	0 (0)	2 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	2 (2)	0 (0)	1 (2)	1 (0)	0 (0)	2 (2)	0 (0)	0 (0)	0 (0)	1 (1)
August	3 (3)	1 (2)	1 (1)	0 (0)	1 (0)	3 (3)	0 (0)	0 (0)	0 (0)	2 (3)
September	7 (3)	1 (0)	3 (2)	3 (1)	0 (0)	3 (1)	4 (2)	0 (0)	0 (0)	4 (1)
Total	40 (23)	2 (2)	24 (14)	9 (5)	0 (0)	33 (18)	7 (5)	0 (0)	0 (0)	11 (9)

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(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	1	3	3	0	0

Name, Location and Field Office Number	Programs	Alleged Violation	Action	Date
Butler Co. (2)	Air Quality	Open Burning	Order/Penalty \$1,000	8/30/01
Martin Marietta Materials, Inc., Webster Co. (2)	Solid Waste	Illegal Disposal	Order/Penalty	9/07/01
Hartley, City of (3)	Wastewater	Discharge Limits	Order/Penalty \$3,000 SEP	9/07/01
U.S. Petro, Inc. and Sam Singh, Muscatine, Davenport, Bettendorf (6)	Underground Tank	Financial Responsibility	Order/Penalty \$14,000	9/05/01
Monsanto Company, Boone (5)	Air Quality	Construction Without Permit	Order	9/07/01
Monsanto Company, Grinnell (5)	Air Quality	Construction Without Permit	Order	9/07/01
Pro Cooperative, Inc., Gilmore City (3)	Underground Tank	Illegal Deposit; Financial Responsibility	Order/Penalty \$4,800	9/27/01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne, Coon Rapids (4)	Underground Tank	Leak Detection	Order/Penalty \$3,400	9/27/01
Bulk Petroleum Corporation d/b/a Break Point Stores #537, Bondurant (5)	Underground Tank	Record Keeping	Order/Penalty \$1,000	9/27/01
Bulk Petroleum Corporation d/b/a Four Mile Texaco #536, Des Moines (5)	Underground Tank	Record Keeping	Order/Penalty \$1,000	9/27/01

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99

Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
Capitol Oil Co. (Oxford)	UT	6,560	10-09-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Steve Friesth (Webster Co.)	AQ/SW	4,000	6-05-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
* Rimade, Inc. (Manning)	SW/WW	1,000	8-01-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Coralville Lake Terrace Assoc. (Johnson Co.)	WS	1,500	9-05-00
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
American Legion – Swisher Post #671 (Swisher)	WS	500	12-25-00
Sac City, City of	WW	2,400	1-01-01
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
* Robert Simon (Dubuque Co.)	AQ/SW	1,600	3-02-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
* Lorene Logue (Lucas Co.)	AQ/SW	125	3-15-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Max Dalhauser (West Bend)	UT	670	5-15-01
##Neal Anthony d/b/a Anthony's Trucking (LeMars)	AFO	1,200	6-05-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
* Seven Ponds Park (Sperry)	WS	100	6-15-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
* Edward Degeus (Britt)	AQ	1,000	7-01-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	6,000	7-18-01
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	7-28-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Kay Enterprises, Inc. (Janesville)	AQ	5,000	9-03-01
##Roger Bockes, et. al. (Tama Co.)	AFO	2,000	9-15-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Minnesota Rubber Company (Mason City)	AQ	3,000	9-30-01
* R.V. Hopkins, Inc. (Davenport)	AQ	Int.	10-01-01
* Michael Roberts (Page Co.)	AQ	75	10-15-01
* Fred Konfrst d/b/a Fred's Trash Service (Mills Co.)	AQ/SW	2,000	10-21-01
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000	10-27-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
# Dan Gotto (Dubuque Co.)	AFO	3,000	11-01-01
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000	11-05-01
Bob Luke (Washington Co.)	AQ/SW/W	4,000	11-05-01
	W		
Butler County	AQ	1,000	11-06-01
Mark Broderick (Dallas Co.)	WW	4,000	11-11-01
Hartley, City of (SEP)	WW	3,000	11-16-01
Martin Marietta Materials, Inc. (Webster Co.) (SEP)	SW	17,500	11-17-01
Quality Mat Co., Inc. (Waterloo)	AQ	8,500	12-01-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	-----
Carpenter Bar & Grill (Carpenter)	WS	100	-----

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Independence Mobile Home Park (Independence)	WS	800	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Ward Land Development LLC; WBD, Inc.; W. David Ward	WW/FP	2,500	-----
Wisconsin North dba National Petroleum (Clinton)	UT	1,000	-----
Louisa County Regional Solid Waste Agency	SW	1,250	-----
# Empire Land and Cattle Co. (Crawford Co.)	AFO	3,000	-----
U.S. Petro, Inc.; Sam Singh (Bettendorf)	UT	14,000	-----
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000	-----
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000	-----
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	-----
Pro Cooperative, Inc. (Gilmore City)	UT	4,800	-----
TOTAL		238,430	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/W	3,000	11-04-98
	W		
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro	SW/WW	10,000	5-26-00

(Warren Co.)			
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
James Harter (Fairfield)	WW	1,800	1-29-00
# Rustad Farms, Inc. (Butler Co.)	AFO	3,000	10-06-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 th Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Winter Mobile Home Park (New Hampton)	WS	2,500	11-19-00
Winter Mobile Home Park (New Hampton)	WS	1,000	6-13-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Osterdock Store (Guttenberg)	WS	500	10-16-00
West Liberty, City of	WW	5,000	
	TOTAL	173,354	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Frank Hulshizer (Benton Co.)	SW	500
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Clarence, City of	WW	3,000
Dallas County Care Facility (Adel)	WW	2,500
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
Dayton, City of	WW	10,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
# Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Leonard Rayonds; Randy Schleusner (Hancock Co.)	AFO	3,000
Benefit Water District #2 (Boone Co.)	WS	2,500
Minsa Corporation (Red Oak)	WW	10,000
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500

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Bruening Rock Products, Inc. (Decorah)	WW	8,000
New Virginia Sanitary District (New Virginia)	WW	5,000
LT Tap (Waucoma)	WS	500
Minnesota Mining and Manufacturing d/b/a 3M (Knoxville)	AQ	1,000
Alliant Energy Corp. d/b/a Alliant Transportation (Williams)	AQ	10,000
# Leo Pieper (Guthrie Co.)	AFO	2,500
Boondocks Truck Haven (Williams)	WS	2,750
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
Kiefer Built, Inc. (Kanawha)	AQ	10,000
AGP Grain Cooperative (Klemme)	AQ	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Brecht Enterprises, Inc. (Iowa Co.)	AQ/SW	4,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Casey's General Stores, Inc. (Waukee)	UT	3,800
All-States Quality Foods, L.P. (Charles City)	WW	10,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	6,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	3,000
Knox Corporation (Davenport)	UT	6,700
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Braddyville, City of	WW	3,500
John Saathoff (Grafton)	AQ	500
Don Anderson; Brentwood L.L.C. (Polk Co.)	WW	8,000
# Floyd Kroeze (Butler Co.)	AFO	3,000
Sunnybrook Mobile Home Park (Polk Co.)	WW	5,000
Carter Lake, City of	SW	2,000
Jefferson, City of	WW	5,000
Casey's General Stores, Inc. (Aplington)	UT	2,500
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	1,000
Envirobate Management Services (Johnston)	AQ	3,000
Jefferson, City of	WW	5,000
Onawa Country Club (Onawa)	WS	1,500
James Kitchen d/b/a Kitchen Construction (Howard Co.)	AQ/SW/FP	10,000
Jemco, Inc.; Bud Nelson (Audubon)	UT	3,570
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Shewry L.P.; Don Shewry (Davenport)	WW	7,500
GMNW Investments, L.L.C. (Hamburg)	WW	5,000
Eagle Investors dba Manson Ampride (Manson)	UT	4,650
Gene Moeller Oil Co. (Fort Dodge)	UT	6,000
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
John Hoth (Tama)	UT	9,250
Dostal Construction, Inc. (Tama Co.)	AQ/SW	4,500
Used Tire Sales & Service (Webster Co.)	SW	10,000
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
James Clark (Logan)	UT	3,500
Midland Transportation Co. (Marshalltown)	UT	4,460
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
Charles Hagedorn dba Hagedorn Construction (Dickens)	AQ	1,000
Lester Davis (Polk Co.)	AQ	1,100
Long Branch Maintenance Corp. (Earlham)	WW	5,000

ABC Disposal Systems, Inc. (Hiawatha)	SW	5,000
Nevada, City of	UT	5,600
Trajet Products, Inc. (Glenwood)	AQ	10,000
Earlham, City of	WW	10,000
Northwest Iowa Area Solid Waste Agency (O'Brien Co.)	SW	4,000
TOTAL		451,130

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
* Top of Iowa Cooperative (Hanlontown) (PAID IN FULL)	AQ	500
James A. Six (Washington Co.)	AFO	600
Westbrooke Construction Co.; Speer and Lepic (Polk Co.)	WW	3,000
Denny Wessels d/b/a Denny Wessels Transport (Bancroft)	UT	900
Pathway Christian School (Kalona)	WS	250
*#Roger Bockes, et. al. (Tama Co.)	AFO	250
Circle Hill Farms, Ltd. (Hamilton Co.)	WW	1,500
* Fred Konfrst d/b/a Fred's Trash Service (Mills Co.)	AQ/SW	500
Farmland Industries, Inc. (Manson)	UT	3,500
Clinton, City of	WW	1,000
# Corn Beef, Ltd. (Winneshiek Co.)	AFO	3,000
* R.V. Hopkins, Inc. (Davenport)	AQ	500
* Michael Roberts (Page Co.)	AQ	75
TOTAL		15,575

Name, and Number	Location Region	Program	Alleged Violation	DNR Action	New or Updated Status	Date
10 th Hole Spirits Calamus	Food & Spirits	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate	Order/Penalty	Referred` Motion for Judgment Hearing	3/19/01 8/20/01 9/05/01
Affordable Asbestos Removal, Inc.;		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment	3/20/00 4/19/00 2/26/01
Jeffrey Intelkofer Iowa City (6)					Ruling Denying Motion Trial Date	4/20/01 2/04/02
Affordable Asbestos Removal, Inc.		Air Quality	DNR Defendant	Defense	Petition Filed Answer Ruling Defendant's Notice of Appeal	12/28/00 1/18/01 7/09/01 7/30/01
Jeffrey Intelkofer Iowa City (6)						
Bierman, and Kurt d/b/a Osterdock Store Guttenberg (1)	Elaine	Drinking Water	Monitoring/Reporting – Bacteria; MCL – Bacteria; Public Notice	Order/Penalty	Referred	7/16/01
Castenson, David; Kristi A. Castenson, Barbara June Cummins; Velma Castenson		Wastewater	DNR Defendant	Defense	Petition Filed Motion to Strike Answer Petitioner's Motion to Adjudicate Law Points	7/17/00 8/07/00 8/15/00 10/03/00

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d/b/a B & D Farms Webster Co. (2)				State's Resistance		10/16/00
Crane, John & Frieda d/b/a Hillside Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order	Referred		2/19/01
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	Referred		3/15/99
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed		11/21/94 4/18/96 9/20/96 9/20/96
Indian Creek Corp. Jasper Co. (5)	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred Petition Filed Trial Motion for Partial Summary Judgment Hearing		4/17/00 9/27/00 10/10/01 8/10/01 9/11/01
Larson, Daryl Jones Co. (1)	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred Petition Filed Answer Motion for Summary Judgment Hearing		5/17/99 11/02/00 12/07/00 7/16/01 8/31/01
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition		4/17/99 6/01/01
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date		8/17/98 11/05/99 10/29/02
Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred		5/21/01
Melsha Tap, Inc. Swisher (6)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; public Notice	Order/Penalty	Referred Admin. Penalty (\$300)		7/16/01 8/02/01
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred		2/15/99

Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order/Penalty	Referred	2/19/01
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Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order)	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00
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Sunrise Farms, LLC Benton Co. (1)	Dairy Animal Feeding Operation	Construction Permit; Discharge; Report a Release; Failure to Update MMP; Uncertified Applicator; Water Quality Violations	Without Prohibited Failure to	Referred to Attorney General	Referred	8/20/01
West Liberty, City of (6)	Wastewater	Discharge Limits; Operational Violations		Order/Penalty	Referred	7/16/01
White, Robert Jeff White, Dave Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal		Order/Penalty	Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed Answer Filed Trial Order (Clean-Up and Injunction) Penalty Hearing	4/20/98 2/05/99 9/24/99 11/15/99 12/06/99 1/31/01 2/27/01 10/04/01
Williams Pipeline Company LLC Waterloo/Dubuque /Milford (1, 3)	Air Quality	Construction Permit	Without	Order	Referred	7/16/01
Winter Home Park New Hampton (1)	Mobile Drinking Water	Operation Permit; Monitoring/Reporting – Bacteria	Without	Order/Penalty	Referred	4/16/01
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment		Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred Petition Filed Defendant's Motion to Dismiss State's Resistance Denial of Defendant's Motion to Dismiss Motion for Partial Summary Judgment Hearing Order Granting Partial Summary Judgment Notice of Appeal State's Motion to Dismiss Defendant's Motion to Dismiss State's Resistance Defendant's Dismissal of Appeal Order Denying Defendant's Motion to Dismiss Trial Date	1/17/95 8/28/96 12/13/96 3/30/98 9/01/00 9/08/00 9/19/00 11/07/00 2/16/01 4/26/01 5/09/01 6/07/01 6/18/01 6/19/01 6/20/01 7/06/01 7/20/01 6/11/02

Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Ida Grove (3)	Hazardous Condition	Site Access; Other	Referred to Attorney General	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance State's Application for Temporary Injunction Hearing on Temporary Injunction Denial of Defendant's Motion to Dismiss Temporary Injunction Granted Motion for Summary Judgment Hearing Order Granting Summary Judgment (Injunction) Notice of Appeal State's Motion to Dismiss Defendant's Motion to Dismiss State's Resistance Defendant's Dismissal of Appeal Order Rejecting Defendant's Motion to Dismiss	6/19/00 9/01/00 9/08/00 9/19/00 10/13/00 10/24/00 11/07/00 11/07/00 2/20/01 4/27/01 5/09/01 6/07/01 6/18/01 6/19/01 6/20/01 7/06/01 7/06/01
Zook, Russell d/b/a Haskins Recycling Ainsworth (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Entry Default Order Granting Default (\$35,000/Civil; \$5,000 Admin. and Injunction)	5/17/99 9/12/00 2/19/01 6/11/01

Date Received	Name of Case	F.O.	Action Appealed	Prog.	Assigned to	Status
11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
5/08/90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	Tack	9/01 – EPA easements and consent decrees have been finalized. Notice of Intent to List is withdrawn. Appeal dismissed. Case closed.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97. 12/28/99 – F.O. 5 letter to City regarding resolution of permit issues. 3/6/00 – F.O. 5 met with City concerning permit issues. 2/5/01 – WW drafting new permit. 4/30/01 – WW contacted regarding status of new permit. Draft permit sent for City review and public notice on 4/19/01. 8/01/01 – Dept. permits section contacted concerning status of permit re-issuance. Comments from City on proposed permit have been received. 9/28/01 – Dept. Permit Section contacted regarding status of permit issuance.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.

	Site					
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	Closure permit issued 1/10/00. Closure to be completed by 9/1/01.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up. Clean-up scheduled for 10/01.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff. 2/28/00 – Letter to City attorney regarding setting for hearing. 3/00 – Dept. reviewing City Engineer's submittal. 6/26/01 – Dept. permits section contacted concerning review of information supplied by City engineer. 7/01 – City referred for Admin. Order for wastewater violations.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. 3/2/00 – Letter to attorney regarding setting appeal for hearing. 3/23/00 – Response received from attorney regarding appeal. 9/18/00 – Meeting with Titan to discuss compliance, treatment agreement and permit. Company requested to submit BMR and Toxic Organic Management Plan. 10/25/00 – Titan staff met with Dept. to discuss Titan's treatment agreement with the City and other issues. 3/27/01 – Revised treatment agreement entered into between Titan and City of Walcott. 5/31/01 – FO contacted regarding appeal resolution.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff. 2/1/00 – Report on compliance requested from FO and WW staff. 2/2/00 – Permit to be issued to facility. 6/29/00 – Status report on permit requested from WW permit staff. 9/00 – Per WW permit staff, company's engineer to submit further information prior to issuance of permit. 4/30/01 – Status report requested from WW section engineer. 5/1/01 – Company engineer needs to provide further information to process permit. Engineer was contacted and agreed to provide requested information. 6/29/01 – Status report on permit issuance requested from Dept. WW engineer. 7/31/01 – Per WW permits section Dept. received modified proposal for land application on 6/20/01. Proposal under review. 8/27/01 – Dept. engineer requested more information. 8/30/01 – Draft permits prepared. 9/17/01 – Per WW Permits Section new site survey conducted.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96. 6/9/00 – Initial remedial measures completed. Final treatment system expected to begin operation by 11/01/01.

6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	Dept. letter to facility's engineer regarding resolving appeal. 1/3/00 – Revised WLA and permit limits sent to facility. 1/26/00 – Dept. letter to WW engineer regarding construction schedule to meet revised permit limits. 2/28/00 – Follow-up letter to City regarding construction schedule. 3/20/00 – Response from City attorney with agreement to submit construction schedule by 4/20/00. 4/27/00 – Discussion with City attorney regarding City's schedule. 6/14/00 – Letter received from attorney requesting meeting to discuss compliance schedule. 7/28/00 – Letter to City attorney scheduling meeting for 8/3/00. Letter from City attorney regarding scheduling a meeting. 9/25/00 – Meeting attended by FO5, city attorney and city engineer regarding compliance schedule. City to submit revised schedule by 11/15/00 for submittal of flow study and preliminary engineering report. 11/14/00 – Letter from City Engineer with proposed schedule. 4/1/01 – City to begin work on Plan of Action. 10/31/01 – City to submit Plan of Action to Dept. for review.
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96. 3/2/00 – Letter to attorney concerning appeal resolution. 3/17/00 – Letter received from company attorney. 5/1/01 – Letter to company attorney regarding settlement. 5/16/01 – Company attorney contacted Dept. to discuss appeal. 6/29/01 – Dept. follow-up letter to company's attorney. 7/20/01- Settlement offer received from company's attorney. 9/28/01 – Counter offer sent to company attorney.
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. 4/01 – Received Tier 2.
8/01/95	Wilbur McNear d/b/a4 McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Placed on state lead. Negotiating penalty.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/H C	Tack	Negotiating before filing. Attorneys contacted 2/99. Reassigned 6/1/01/
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed. 2/1/00 – Status report on compliance requested from FO 6. 2/2/00 – Dept. to send settlement offer to City. City has returned to compliance. 2/28/00 Settlement offer to City attorney. 3/30/00 – Follow-up letter to attorney. 4/21/00 – Contact by new City attorney. City will consider settlement offer at 5/8/00 City Council meeting and respond by 5/20/00. 5/1/01 – Letter to City attorney regarding settlement. 5/30/01 – Follow-up letter sent to City attorney. 6/22/01 – Per telephone conversation with City attorney, Dept. settlement offer on city council agenda for 7/9/01. 8/1/01 – Letter sent to City attorney. 9/19/01 – Sent to DIA to be set for hearing.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Compliance inspection 9/27/00. Satisfactory compliance achieved. Penalty settlement negotiations commenced.

3/11/96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	4/01 – FO5 inspection. Facility is not in compliance. 6/01 – New order to be issued to facility. 8/30/01 – Awaiting Director's signature on order.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2/27/99 0 FO contacted regarding appeal resolution. 5/1/01 – FO5 contacted regarding resolution of appeal.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 – Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff. 2/29/00 – Response received from WQ engineer. Staff reviewing for decision. 8/1/01 – Letter to company concerning resolving remaining issue in appeal. 9/19/01 and 9/25/01 – Per Dept. TC's with company, company will send letter concerning resolution of appeal.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal.
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	3/1/00 – Status report requested of FO. 3/2/00 – Status report received. 4/28/00 – Letter to WS concerning resolution of appeal. 5/1/01 – Status report requested from WS section regarding compliance. 5/31/01 – Status report requested from WS section concerning compliance. WS section reports facility is in compliance with monitoring requirements. 6/25/01 – Per FO6 the WS is in compliance with MOR requirements and was operating/maintaining the chlorination system properly as of last inspection. 7/19/01 – Settlement offer sent to school. 8/22/01 and 8/30/01 – Discussions with school staff person regarding Dept. settlement offer and monitoring requirements. School accepted offer regarding penalty. Penalty to be mailed by 9/7/01. Penalty received 9/11/01. Case closed.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.

10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up near completion as of 6/20/00. Pallets 95% ground. Dept. assisting in identifying markets for mulch.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested. 2/1/00 – Status report requested of FO 6. 2/02/00 – Report received from FO. 2/28/00 – Letter to attorney to schedule meeting resolving appeal. 2/28/00 – Status report concerning I/I work received. 3/24/00 – Meeting scheduled for 4/14/00 to discuss resolving appeal. 4/14/00 – Met with City attorney and officials concerning appeal. 7/26/00 – Dept. settlement offer drafted/under review by Dept. staff. 3/01 and 4/01 – Enforcement/settlement discussions among Dept. staff. 5/8/01 – Settlement offer sent to City attorney. 5/23/01 – Meeting held to discuss settlement offer. 6/28/01 – Proposed referral concerning NPDES permit violations to be place on July EPC agenda. 7/16/01 – Referral to AG office by EPC.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Book	8/01 – Letter to facility attorney to see if they want to continue appeal. 9/01 – Attorney is no longer representing Jacobs. Letter to Mr. Jacobs on 9/17/01. Has until 10/15/01 to respond or file will be closed.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	5/1/01 – Preliminary engineering report approved 3/01; will monitor progress.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	5/18/00 – Notification of imminent transfer to DIA. 7/5/00 - Appellant's attorney requests additional time for expert consultation.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Clean-up satisfactory. Settlement offer made 8/8/00.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	5/1/01 – City progressing on facility improvements. Will monitor for progress.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Settlement close.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	8/2/01 – Settlement letter sent. Settlement payment due 11/1/01.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan. 8/01 – Penalty payment renegotiated – lump sum settlement due 10/15/01.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Settlement close.

7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Book	Hearing held 4/28/00. Judgment for DNR Appeal filed. Awaiting transcripts and briefing schedule. Initial brief due 9/25/00. Scheduled to go before November EPC meeting. 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Record forwarded to Linn County Court and case given to the Attorney General. Judicial review briefs have been filed. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. AG will be handling appeal to Supreme Court. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Waiting for the Court's ruling on the motion.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	6/29/01 – New MCL violations; letter sent regarding resolution. 8/30/01 – No response. Will send to DIA.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	Settled. \$750 payment plan. \$75 per month beginning 1/15/01. Payments are on schedule.
11/12/99	Osceola, City of	5	Admin. Order/Penalty	WW	Hansen	1/4/00 – FO 5 letter to City requesting complete plan of action by 5/15/00. 5/31/00 – Status report on plan of action submittal requested by FO. 6/28/00 – Sent to DIA to be set for hearing. 7/25/00 – DIA set hearing for 9/29/00. 8/17/00 – Meeting with city officials and engineer to discuss settlement. 9/20/00 – Joint motion for continuance filed with ALJ to allow parties more time to pursue settlement of penalty and SEP. 10/00 – Hearing continued until 11/28/00. 11/22/00 – Settled. Agreement to be place in administrative consent order. 1/29/01 – Consent order drafted and being reviewed by DNR staff. 3/28/01 – Dept. letter and consent order to City for signature. 5/01/01 – City contacted regarding status of Mayor signing consent order. 5/30/01 – Letter received from City engineer requesting revision of schedule in consent order. 6/27/01 – FO meeting with City concerning compliance status of facility. 8/1/01 – Letter and revised consent order to City for signature. 8/25/01 – Consent order signed by Director and issued. Dept. sent City joint motion to dismiss appeal to be signed and sent to ALJ. 9/5/01 – ALJ dismissal of appeal. SEP to be paid in lieu of penalty. Case closed.
11/15/99	Industrial Applications Energy	1	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01. 6/29/01 – Awaiting EPA response. Meeting set for 9/20/01.

11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance nearly completed. Penalty negotiations to begin upon compliance.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01. 6/29/01 – Awaiting EPA response. Meeting set for 9/20/01.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/17/99	Edward Degeus	2	Admin. Order/Penalty	AQ	Book	Settled. Consent amendment issued. Penalty payment schedule established and on schedule. 7/28/01 – FO letter regarding remaining penalty. Party given until 8/15/01 to respond. No response to date. Second letter to attorney regarding remaining portion of the penalty. 9/01/01 – Deadline of 10/21/01 to pay remainder of penalty or case will be turned over to AG for collection.
1/11/00	Farmland Industries	2	Permit Denial	AQ	Preziosi	Settled.
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	5/31/01 – Facility upgrade is proceeding; will monitor progress.
2/07/00	Benefit Water District #2	5	Admin. Order/Penalty	WS	Murphy	7/9/01 – Letter sent regarding settlement.
2/22/00	MINSIA Corporation	4	Admin. Order/Penalty	WW	Murphy	5/31/01 – Permit close to being issued; penalty settlement will be discussed at that time.
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	Hearing held 7/17/01. ALJ decision dated 8/1/01 upheld order..
3/21/00	Bruening Rock Products, Inc.	1	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/21/00	LT Tap	1	Admin. Order/Penalty	WS	Clark	Negotiating before filing.

4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	City to file appeal of final NPDES permit. Prior notice of appeal was in response to draft permit. 10/4/00 – Informal meeting scheduled with city officials to discuss permit issues. Dept. staff discussing how to proceed. 1/31/01 – City Engr to submit preliminary engineering report. 2/28/01 – Dept. received City's preliminary engineering report. 3/2/01 – Dept. letter requesting a schedule G be submitted to complete the report. 3/7/01 – Incomplete schedule G submitted. 3/8/01 – Dept. letter of comments and request that schedule G be resubmitted with required information. 3/9/01 – Revised schedule G submitted. 4/30/01 – WW permit section engineer completed review of revised preliminary engineering report and drafted comment letter. 5/1/01 – Comment letter sent to City by Dept. engineer concerning review of preliminary engineering report. 6/29/01 – Status report requested from WW permits engineer and WS section engineer. 7/5/01 – Response received from City engineer on Dept. letter on revised facility plan. 9/28/01 – Status report requested from WW Permits Section.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order/Penalty	SW/H C	Tack	District court ordered clean-up underway. Third party clean-up of site started 2/23/01. Final clean-up to be completed after thaw.
5/10/00	3M Company	5	Admin. Order/Penalty	AQ	Preziosi	Negotiations continue.
6/06/00	Alliant Energy	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. Facility will sign a consent order regarding payment. Expect signature by mid-August. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. 9/01 – Everything signed – facility on payment schedule. First payment is due 12/01.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/02/00	Wacker Biochem Corp.	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction permit application on file. Responsible part is working with WW section to achieve compliance. Penalty to be negotiated after compliance is achieved.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.

9/27/00	Brecht Enterprises, Inc.	6	Admin. Order/Penalty	AQ/S W	Tack	Settlement offer made to former attorney on 11/30/00. Offer renewed 5/2/01 directly to responsible party. New attorney retained by responsible party. Settlement negotiations resumed.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Negotiating before filing.
9/28/00	Kinderland, Inc.	1	Admin. Order/Penalty	WS	Hansen	5/01/01 – WS still not in compliance with all monitoring requirements. 5/01/01 – Sent to DIA to be set for hearing. 5/9/01 – Progress report on connection to alternate water source received. 5/11/01 – Hearing set for 7/3/01. 6/5/01 – Hearing continued to 9/3/01 to attempt to settle. 6/26/01 – WS has now connected to another water source and will request to be reclassified as a non-pws. 7/9/01 – Settled. Documentation provided regarding connection to alternate water source. Request for reclassification received. Facility needs to submit penalty payment and statement regarding what it will do with well. 8/14/01 Penalty received. 8/30/01 – Dept. letter and joint motion to dismiss sent to WS attorney to sign and send to ALJ requesting dismissal of appeal. 9/6/01 – ALJ dismissal of appeal. Case closed.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	Hearing continued. 5/31/01 – Preliminary engineering report submitted.
10/03/00	Casey's General Store (Waukee)	5	Admin. Order/Penalty	UT	Wornson	9/01/01 – Settled. Awaiting penalty payment.
10/03/00	All-States Quality Foods	2	Admin. Order/Penalty	WW	Murphy	7/31/01 – Settled. Awaiting SEP payment.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/19/01. Negotiations continue.
10/05/00	Sylvan Acres	1	Admin. Order	WS	Hansen	10/30/00 – Call received from representative of WS concerning installation of required chlorination equipment on two wells at WS until their connection to rural water. Specifics of WS's return to compliance under discussion between WS representatives, FO 1 and Dept. WS section. 2/17/01 – WS to draft new permit to allow use of temporary pellet chlorinators until rural water becomes available. 5/1/01 – Permit status requested from WS section. 6/15/01 – Letter sent regarding appeal resolution. 7/6/01 – Letter sent by WS requesting that appeal be held in abeyance pending completion of connection to another water supply. 8/30/01 – Dept. letter to WS agreeing to hold appeal in abeyance until WS connected to alternate water source. Status report requested of WS regarding progress of connection to another source. 9/20/01 – Status report received from WS. Connection to new source to be completed 12/01.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.

10/06/00	Dodgen Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/01. Settlement close.
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/S W	Tack	8/16/01 – Sent to DIA. Hearing set for 10/23/01.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/17/00	Swisher American Legion #671	6	Admin. Order/Penalty	WS	Tack	Compliance to be reviewed through 10/01. Penalty negotiations to begin after review. 9/01 – Remedial measures completed. Additional testing under way.
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. Order/Penalty	WS	Hansen	Settlement conference held 1/17/01. Settlement offer drafted. 2/14/01 – WS completed public notice of violations. 5/1/01 – Settlement offer discussed with attorney for WS. 5/22/01 – Counter offer by WS discussed with attorney. Letter to follow confirming discussion. 6/15/01 – Letter received from WS attorney regarding re-connection to Clive system. 8/31/01 – Follow-up to check on status of connection to alternate water source. 9/27/01 – Work to be done by City of Clive in 10/01.
11/20/00	Randy Golden d/b/a R.4 Excavating	4	Admin. Order/Penalty	WW	Tack	Hearing set for 11/7/01.
11/21/00	Knox Corporation	6	Admin. Order/Penalty	UT	Wornson	Settled. Awaiting penalty payment.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Partial compliance achieved. Hearing to be continued to allow completion of settlement negotiations.
11/28/00	AGP Ag Processing (Emmetsburg)	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	Mediation conducted 3/1/01. Compliance proposal submitted 4/2/01. Preliminary engineering report submitted 5/31/01.
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	4/30/01 – FO4 contacted regarding appeal and facility compliance with order. 5/10/01 – Sent to DIA to be set for hearing. 6/27/01 – Meeting with City officials and attorney regarding settlement. 7/17/01 – FO 4 letter to City giving City until late 10/01 to further comply with order. 7/23/01 – Conference call with ALJ. Hearing rescheduled for 11/30/01. Petition due 11/5/01. 8/8/01 – FO4 letter to City concerning necessary operation and maintenance to return to compliance.
12/11/00	Westbrooke Construction Co.	5	Admin. Order/Penalty	WW	Murphy	Penalty received 9/9/01. Case closed.
12/12/00	Keokuk Landfill, Inc. and Keokuk Contractors, Inc.	6	Admin. Order	SW	Tack	Hearing continued to 10/29/01.
12/12/00	University of Northern Iowa	1	Permit Modification Denial	AQ	Book	Facility still intends to resubmit the application. Waiting on consultant and other projects.

12/27/01	West Central Cooperative		Permit Denial	AQ	Preziosi	8/30/01 – Settled. Awaiting penalty payment.
1/11/01	Guardian Industries	1	Permit Conditions	AQ	Book	Mtg. held 8/17/01; construction permits currently reviewing additional information that has been submitted.
2/05/01	Fred Konfrst	4	Admin. Order/Penalty	AQ/S W	Tack	Compliance achieved. Penalty settled for \$2,500 to be paid in 5 payments. First penalty payment received.
2/21/01	John Saathoff	2	Admin. Order/Penalty	AQ	Book	FO reports that site is in process of being cleaned up. Unable to locate Mr. Saathoff to discuss penalty. Letter sent. He has until 8/31/01 to respond or will request hearing on penalty. He had done some clean-up, some remains. Awaiting his response. He did not receive previous letter so another was sent with new deadline of 9/28/01. Letter was received.
2/23/01	Don Anderson; Brentwood L.L.C.	5	Admin. Order/Penalty	WW	Murphy	8/30/01 – Verbal settlement.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/19/01	Sunnybrook Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	5/1/01 – FO5 contacted regarding settlement and compliance with order. 5/11/01 – Letter to City engineer regarding settlement of penalty upon completion of upgrade. 5/21/01 – City engineer letter stating they agree that Dept. could hold appeal in abeyance pending completion of upgrade. 6/01 – Dept. agreement to hold appeal in abeyance pending upgrade of facility.
3/22/01	Kay Enterprises, Inc.	1	Admin. Order/Penalty	AQ	Book	Settled. Facility has signed a consent amendment with reduced penalty. 8/01 - Director's signature received. Awaiting penalty payment.
3/27/01	Carter Lake, City of	4	Admin. Order/Penalty	SW	Tack	City is reviewing compliance options. Update due to Department 8/22/01.
3/27/01	Bonaparte, City of	6	Permit Conditions	WW	Hansen	3/28/01 – WW permits contacted for information on appeal issues. 5/8/01 – City Clerk and operator contacted concerning appeal. 6/14/01 – City council meeting to consider approval of preliminary plan of action. 7/11/01 – Dept. received preliminary plan of action from City; under review by WW permits section and FO. 8/6/01 – FO6 letter to City requiring submittal of Plan of Action by professional engineer by 1/1/02.
4/04/01	The Woods at Fox Hollow Homeowners Assn.	6	Permit Conditions	WS	Hansen	4/18/01 – Discussion with appellant regarding compliance status of WS and permit appeal. FO6 to meet with appellant. 5/23/01 – WS section supervisor attended meeting with residents to discuss appeal. 6/20/01 – Status report requested from WS section. 7/20/01 – Status report requested from WS section. 7/23/01 – Status report received; appeal still under review by WS section. 8/2/01 – WS section letter to WS regarding appeal. 8/23/01 – Dept. sent follow-up letter to WS regarding appeal and monitoring requirements. 8/23/01 – WS sent letter to WS section stating

						monitoring would be initiated. WS has begun to monitor but has not completed all required monitoring.
4/10/01	Casey's General Stores (Aplington)	2	Admin. Order/Penalty	UT	Wornson	Settled. Awaiting penalty payment.
4/13/01	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Negotiating before filing.
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. Order/Penalty	SW/W W	Tack	Clean-up underway. Penalty to be reviewed after completion of site clean-up.
4/27/01	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/01/01	Onawa Country Club and Golf Course	4	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
5/03/01	Harlan Municipal Utilities (Hallett)	4	Water Use Permit	WR	Clark	9/4/01 - Hearing continued indefinitely pending settlement negotiations.
5/04/01	EnviroBate Management Services	5	Admin. Order/Penalty	AQ	Book	9/01 - Agreement reached. Consent amendment sent. Awaiting signed consent amendment and penalty payment.
5/07/01	James Kitchen; Kitchen Construction	1	Admin. Order/Penalty	SW/A Q/FP	Tack	Settlement offer sent 7/18/01. Counter offer received on 7/30/01.
5/08/01	JEMCO; Bud Nelsen	4	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Negotiating penalty.
5/10/01	Hackert's Wood Products, Inc.	6	Permit Denial	FP	Clark	Negotiating before filing.
5/17/01	Plano, City of	5	Admin. Order	WW	Hansen	9/28/01 - Dept. letter to City regarding appeal.
5/25/01	Shewry L.P.; Don Shewry	1	Admin. Order/Penalty	WW	Murphy	6/6/01 - Settlement proposal; on hold pending compliance determination.
5/29/01	Wayne Wheatley fdba; Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
5/30/01	GMNW Investments, L.L.C.	4	Admin. Order/Penalty	WW	Murphy	6/22/01 - Letter sent regarding settlement; compliance visit will be made.
6/13/01	Gene Moeller Oil Co.	2	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/19/01 - Letter sent to company regarding appeal. 8/15/01 - Company letter to Dept. agreeing to schedule in the order.
6/19/01	Eagle Investors, LLP d/b/a; Manson Ampride	4	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/19/01	John Hoth	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.

6/25/01	Used Tire Sales & Service, Inc.	2	Admin. Order/Penalty	SW	Tack	Discovery served by Dept. Response due 8/16/01. 9/01 – Discovery response received. Depositions to be scheduled.
6/27/01	Dostal Construction	5	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 7/18/01.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	Hearing scheduled for 10/22/01. Petition received 9/17/01.
7/02/01	Bulk Petroleum Corp. d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/02/01	Farmland Industries, Inc. (Manson Ampride)	4	Admin. Order/Penalty	UT	Wornson	9/21/01 – penalty payment received.
7/02/01	James A. Clark	4	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/10/01	Midway Oil Co. (West Branch – 8603858)	6	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/10/01	Midway Oil Co. (Davenport – 8602775)	6	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/11/01	Lester Davis	5	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
7/13/01	Charles Hagedorn	3	Admin. Order/Penalty	AQ	Book	Party had nothing to do with fire. FO had incorrect facts. Awaiting consent amendment removing penalty.
7/16/01	Midland Transportation Co.	1	Admin. Order/Penalty	UT	Wornson	Midland filed for bankruptcy.
7/25/01	James A. Six	6	Admin. Order/Penalty	AFO	Clark	8/21/01 – Settlement letter sent. 9/7/01 – Penalty settlement received. Case closed.
7/31/01	Circle Hill Farms, Ltd.	2	Admin. Order/Penalty	WW	Murphy	8/21/01 – Settlement offer sent. 9/14/01 – Penalty settlement paid. Case closed.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Informal settlement reached.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	Hearing set for 10/31/01.
8/15/01	Trajet Products, Inc.	4	Admin. Order/Penalty	AQ	Preziosi	Meeting held 8/29/01. Negotiations continue.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 4 on 9/17/01. Tentative agreement reached on revised schedule.
8/21/01	Clinton, City of	6	Admin. Order/Penalty	WW	Hansen	9/20/01 – Penalty received.
8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 5.

8/24/01	Northwest Iowa Area Solid Waste Agency	3	Admin. Order/Penalty	SW	Tack	Consent order proposed for settlement. Response due 10/15/01.
8/27/01	Lehigh Portland Cement Co. (42)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.

During the period September 1, 2001 through September 30, 2001, 5 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October	5(0)	1.4	1.4	4	0(0)
November	1(0)	10	0.001	1	0(0)
December	1(0)	1	.015	1	0(0)
January	5(0)	1.4	.323	3	0(0)
February	2(0)	1	.00035	0	0(0)
March	10(0)	1.4	.4199	1	0(0)
April	3(0)	1.1	0.057	1	0(0)
May	10(0)	14.51	0.047	5	0(0)
June	6(0)	2	0.049	0	0(0)
July	6(0)	1.2	0.069	1	0(0)
August	9(0)	1.78	.044	0	1(0)
September	5(0)	1	.005	3	0(0)

(numbers in parentheses for same period last year)

Note: data not previously collected,
thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
2	1	0	0	1	1

Michael Murphy briefed the Commission on the monthly reports.

James Braun said that he receives a call practically every week from someone in the Blairstown area about what is happening at the dairy and ethanol plant there. He asked if there were any releases being turned in from them.

Michael Murphy said he believed that there had been one shortly after the referral to the Attorney General's office and he was aware of ongoing problems but if there is a release it will get reported to the Department, even if the owners do not report it, the neighbors will.

James Braun asked if the lagoon had been permitted.

Michael Murphy said it had not because there were changes needing to be done before approval could be given. The company has submitted a plan for how and when they will upgrade it but that plan still needs to be reviewed by department engineers.

James Braun said there were people in that area that were upset that the company would be allowed to use a lagoon that had not been permitted in the first place. He said the animosity is running high toward both the company and the department for allowing them to continue.

Michael Murphy said although it is an option for the Department to shut them down, they do try to work with companies to correct their problems as long as the environment is being protected and reasonable efforts are being made.

Darrell Hanson said from everything he has heard this company had no reason to believe that their plan would work. They allegedly had several sources of information telling them that it was not going to work but they did it anyway.

INFORMATIONAL ONLY

Liz Christiansen reviewed the Solid Waste Bureau's rule revision schedule for the Commission. (A copy of the rule revision schedule is available in the Department's Record Center.)

PROPOSED CHAPTER 567-IAC 109 "SPECIAL WASTE AUTHORIZATIONS"

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

Attached for the Commission's information is a draft of the Notice of Intended Action for the proposed rule stated above.

It is intended that the Notice of Intended Action will be presented to the Commission for approval at the November meeting.

ENVIRONMENTAL PROTECTION COMMISSION

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.304, the Environmental Protection Commission hereby gives Notice of Intended Action to rescind existing rule 102.15, "Disposal of special waste", of Chapter 567-IAC-102, "Permits", establish a new Chapter 567-IAC-109, "Special Waste Authorizations" and renumber rule 102.16, "Emergency Response and Remedial Action Plans", to 102.15.

The present rule is unclear and does not fully address the requirements in the Iowa Code. The proposed rule addresses wastes that require special handling at the landfill which is the main thrust of the Code. However, it is difficult for a person not associated with a landfill to know how some waste should be handled at the landfill. The proposed rule requires special waste acceptance criteria (SWAC) be prepared for each type of special waste the landfill takes and submit it to the Department. The Department will use the SWAC to address request for special waste authorizations.

A public hearing will be held on _____ starting at _____ in the _____ Conference Room of the _____ Building. At that time persons may present their views on the proposed rule either orally or in writing. Written comments may be submitted to _____ through _____ by FAX at 515/281-8895, e-mail at jim.thayer@dnr.state.ia.us, or by US Mail at Solid Waste Section, DNR, Wallace State Office Building, Des Moines, IA 50319-0034.

Any person who intends to attend the public hearing and has special needs such as hearing or mobility impairments should contact 515/281-4968.

The following rule is proposed:

CHAPTER 102

Rescind 567—IAC--102 rule 102.15(455B) Disposal of special Waste and establish a new 567—IAC--Chapter 109.

CHAPTER 109

SPECIAL WASTE AUTHORIZATIONS

567—109.1 (455B,455D) Purpose. The purpose of this chapter is to implement Iowa Code sections 455B and 455D by providing rules for the disposal of Special Waste. The intent of these rules is to provide safe and proper management for disposal of special waste.

567—109.2 (455B, 455D) Special Waste Authorization required.

109.2(1). No special wastes shall be delivered to or accepted by a municipal landfill unless authorized by a special waste authorization (SWA) issued by the department. Wastes for which an SWA has been issued shall be disposed of in accordance with the instructions, conditions, and limitations contained in the SWA.

567—109.3(455B,455D) Definitions.

“General special waste” means petroleum contaminated soil and asbestos, which are explicitly listed in a landfill’s permit and those included in a landfill’s Special Waste Acceptance Criteria (SWAC).

“Industrial process waste” means waste that is generated as a result of manufacturing activities, product processing or commercial activities. It does not include office waste, cafeteria waste, or other types that are not the direct result of production processes.

“Municipal solid waste landfill (MSWLF)” means a discrete area of land or an excavation that receives household waste, and that is not a land application site, surface impoundment, injection well, or waste pile, as those terms are defined under 40 Code of Federal Regulations Part 257.2. An MSWLF may also receive other types of RCRA subtitle D wastes, such as commercial solid waste, nonhazardous dry sludge, and industrial solid waste. An MSWLF may be publicly or

privately owned. An MSWLF may be a new MSWLF site, an existing MSWLF site, or a lateral expansion.

“Pollution control waste” means any solid waste residue extracted by, or resulting from, the operation of pollution control processes.

“Solid Waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by section 321.1, subsection 90. However, this division does not prohibit the use of dirt, stone, brick, or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project. Solid waste does not include hazardous waste as defined in section 455B.411 or source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979, or petroleum contaminated soil which has been remediated to acceptable state or federal standards.

“Special waste” means any industrial process waste, pollution control waste, or toxic waste which presents a threat to human health or the environment or a waste with inherent properties which make the disposal of the waste in a sanitary landfill difficult to manage. Special waste does not include domestic, office, commercial, medical, or industrial waste that does not require special handling or limitations on its disposal. Special waste does not include hazardous wastes which are regulated under the Federal Resource Conservation and Recovery Act (RCRA), hazardous waste as defined in Iowa Code section 455B.411, subsection 3, or hazardous wastes included in the list compiled in accordance with Iowa Code section 455B.464.

“Special handling” means a specific procedure, required for handling certain waste to protect the health and safety of employees, the public and the environment.

“Toxic wastes” means materials containing poisons, biocides, acids, caustics, pathological wastes, and similar harmful wastes which may require special handling and disposal procedures to protect the environment and the persons involved in the storage, transport, and disposal of the wastes.

567—109.4 Types of Special Wastes

General special wastes are asbestos and petroleum contaminated soil which are explicitly listed in a landfill’s permit and included in the landfill’s Special Waste Acceptance Criteria (SWAC) and do not require a SWA.

Those special wastes that are not listed in a landfill’s permit will be called special waste.

567—109.5 Applications

109.5(1) Submitting the form “Request for Special Waste Authorization” accompanied by supporting data as required by the department shall make application for a Special Waste Authorization. Two copies shall be submitted to the department, one of which will be forwarded to the disposal site following the department review process.

The application for a special waste authorization shall include the following information: appropriate chemical analysis of the waste, physical form of the waste, weight and or volume of the waste to be disposed of, Material Safety Data Sheet (MSDS), and any other information requested by the department.

- (a) Applicants are responsible for providing information, including toxicity characteristic leachate procedure (TCLP) test results, when appropriate, which show that none of the federal limits listed are exceeded. [40 CFR (Code of Federal Regulations) Part 261]
- (b) The waste shall not contain free liquids as determined by the paint filter liquids test. [567 IAC (Iowa Administrative Code) Chapter 100] (SW 846 Method #9095A). The point of compliance shall be the working face.
- (c) The waste shall not be a listed hazardous waste or meet the criteria for characteristic hazardous waste (40 CFR Part 261) pursuant to the Federal Resource Conservation and Recovery Act (RCRA) (40 CFR Part 261).
- (d) Wastes with PCB concentrations equal to or greater than 50 ppm will not be authorized for disposal at a landfill.
- (e) Polynuclear aromatic hydrocarbon (PAH) (SW 846 Method 8270 and 8310) contaminated soil will not be authorized for disposal at a landfill if the total PAH level exceeds 500 ppm for the following compounds: Acenaphthene, Acenaphthylene, Anthracene, Benzo(a)Anthracene, Benzo(a)Pyrene, Benzo(b)Fluoranthene, Benzo(g,h,i)Perylene, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Fluoranthene, Fluorine, Indeno(1,2,3-cd)Pyrene, Naphthalene, Phenanthrene, and Pyrene or if the total carcinogenic PAH level exceeds 200 ppm for the following compounds: Benzo(a)Anthracene, Benzo(a)Pyrene, Benzo(b)Fluoranthene, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Indeno(1,2,3-cd)Pyrene or if the cyanide level exceeds 1,000 ppm.
- (f) Special waste authorizations may be issued for a period not to exceed three years.

567—109.6 Restrictions

109.6 (1) The department may revoke an SWA for cause at any time. Such cause may include, but is not limited to, evidence that indicates the characteristics of the authorized quality of the waste varies from the authorized values, evidence that the continued disposal of the waste as authorized may pose a threat to the public health or the environment, or failure to comply with any condition in the SWA or the landfill's SWAC (Special Waste Acceptance Criteria).

(2) The holder of an SWA must apply for a desired renewal at least 30 days prior to the expiration of the SWA.

(3) The issuance of an SWA does not obligate any waste disposal facility to accept the wastes nor does it preclude the facility from imposing conditions or restrictions other than those listed in the SWA.

(4) The issuance of an SWA does not exempt the party disposing of the waste from any local, state, or federal laws or regulations.

567--109.7 Landfill Responsibilities

(1) Any public or private municipal solid waste landfill, which refuses any particular solid waste type for management and/or disposal, must identify another waste management facility for that waste within the planning area. In the case of special waste, if no other waste management facility for that waste type exists within the planning area, the city or county must, in cooperation with the waste generator, establish or arrange access to one.

(2) All municipal solid waste landfills shall submit Special Waste Acceptance Criteria (SWAC) to the department. This SWAC will list the different kinds of special waste that each landfill (facility specific) will accept and the instructions for disposal for each of those wastes. (*The SWAC shall be submitted within 90 days after the effective date of these rules.*) The SWAC will be submitted on forms provided by the department.

(3) Landfills are required to ensure that special wastes delivered to the facility conforms to their SWAC (Special Waste Acceptance Criteria) on file with the department.

(4) Each municipal solid waste landfill shall provide to the department, on a quarterly basis, a report of SWA activity including each SWA number and the quantities disposed of during the reporting period. This information shall be submitted as part of the Quarterly Solid Waste Fee Schedule & Retained Fees Report, form 542-3276.

567--109.8 Special Waste Generator Responsibilities

Special Waste generator responsibilities shall include the following, but are not limited to:

- (1) Prior to submission of an SWA application the generator shall adhere to the solid waste management hierarchy. Alternatives include volume reduction at the source; recycling and reuse, including composting and land application; and other approved techniques of solid waste management including, but not limited to, combustion with energy recovery and combustion for waste disposal. The generator shall include, as part of the SWA application, a description of the review of the alternatives to landfilling for each waste for which a SWA is being requested. The review should detail to what extent the waste could be recycled, reduced or reused so landfilling is not necessary.
- (2) Follow the guidelines for submission of a SWA as given in 109. 5 (Applications) in this chapter.
- (3) Special waste authorization waste coming into the landfill shall arrive as a separate load and not be commingled with any other waste.
- (4) Submit analytical results supporting an SWA on a frequency to be determined by the landfill.
- (5) After receiving a SWA the generator must contact the designated landfill identified for instructions on delivering the waste and instructions for adhering to the landfill's SWAC.
- (6) The department and landfill must be notified prior to disposal of any change in the characteristics of the special wastes being disposed.
- (7) Generators will notify the landfill in writing when a one-time disposal under a SWA has been completed. This requirement is for one-time disposals only.

Liz Christiansen said these rule changes were developed with input from a technical advisory committee and she thanked everyone for their input on it. If the notice of intended action is approved next month, the public hearing is scheduled for January 3, 2002 at 1:00 p.m. in the 5th floor conference room. She said special waste authorization address the kind of waste that does not fit any particular category. It is usually industrial process waste, pollution prevention waste, or wastes that are toxic but do not fall into the hazardous category. They require special handling at the landfill and the existing rule is complicated and difficult to use at the local level. The changes put more responsibility on the landfills and the generator.

Scott Smith of the Boone County landfill said he agreed with the comments that Liz made. The current rules are not consistent as written to give the Department guidance or to ensure that landfills are doing what they are supposed to do, nor do they require the generator to provide information. He said he feels they have come up with a good set of changes and ISOSWO is also supportive of the revisions.

INFORMATION ONLY

RULE UPDATE – CHAPTER 118, DISCARDED APPLIANCE DEMANUFACTURING

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

Attached is the proposed Chapter 567-IAC-118 rule, the Responsiveness Summary for the comments received at the public hearing and during the public comment period, and a copy of the Regulatory Analysis requested by the Legislative Rules Review Committee at their meeting on June 5, 2001.

The proposed rule is being presented to the Commission for information at the October meeting for consideration for approval at the November meeting.

(A copy of the rule, the responsiveness summary, and the regulatory analysis is available in the Department's Record Center.)

Liz Christiansen said that this rule is at the end of the rulemaking process but because the Department was requested to write a regulatory analysis on the impact of the rule on small businesses they have brought it to the Commission as an information item. The regulatory analysis was required to be published so it will be published in the Iowa Administrative Bulletin on October 17th at which time there will be a 20 day period of public comment. The rule will then be brought to the Commission for final decision on November 19th.

Scott Smith said that ISOSWO is supportive of these rules as they are proposed and believes they reflect the reality that as already occurred. He said the argument about economic impact is a moot point at this time because his budget went from 1,500 dollars a year to 36,000 dollars a year to deal with appliances. This reflects both the user fees and the contractor fees. He said about a year and a half ago he took in approximately 300 appliances a year but with the closure of an area salvage yard that was not handling them properly he now takes 3,000.

Terry Zeien, from J and R Appliance said Illinois recently passed almost identical regulations and he sees many of the bordering states getting on board as well, therefore alleviating some of the concerns about overflow from Iowa into another state. The other significant issue is that since the rule revision began in April the number of people registered to handle appliances has jumped by 10. He has also noticed a definite increase in his business since this began.

INFORMATION ONLY

GENERAL DISCUSSION

Darrell Hanson distributed a packet of information, listing the comments that Iowa CCI made with regard to the studies in one column and additional quotes that were in the same study in the other column, with his own comments bracketed to set them apart from the quotes. He said he is not trying to minimize the issue but he felt it was important to know if the information they are receiving is reliable or not.

Terry Townsend said it is important for the existing rules to be applied consistently and for the Commission to work toward changing the rules or statutes if need be.

Lisa Davis Cook asked when the Department expected to present their legislative package to the Commission.

Jeff Vonk said because the current focus is on budget he does not expect a large legislative package but it would probably be ready to present at the December meeting.

Kelly Tobin asked if there would be any follow up to Monday, October 8, 2001 meeting regarding Environ Egg.

Terry Townsend said the Commission is waiting for the information to come back from test pits.

James Braun said he had been in contact with several engineers over the past week and is concerned about the soil type and its ability to drain. He said he brought a soil map that he had received from Wright County NRCS and has asked Wayne Gieselman to plot the location of the egg wash lagoons on that map so the Commission can see where it will be located and what soil type it will be built on.

Jeff Vonk said soil maps are generated based on predominance of a soil type and although there are very high quality soil maps in Iowa, when you get down to a site-specific issue such as this, a soil scientist is needed to do specific sampling to document the type of soils.

Darrell Hanson said according to a report that he received at the October 8, 2001 meeting, the soil types in the area of the lagoon are Okoboji mucky silt, Canestio clay loam, Spillville loam. The report also says that some of the soils such as Okoboji and Canestio are rated as severely limited for use as materials for building site developments or sewage lagoon sites, however Clarion soils are only slightly limited.

James Braun said the two soils that the engineers were concerned about for this type of drainage system are Brownton and Okoboji. He said the bottom of the lagoon is going to be 118 feet across, and the distance between the lagoon and the wall of the trenches will be 40 to 50 feet, thus requiring the ground water lowering system to pull water from a area that is 200 to 218 feet wide. Because this site is in a low spot, the hydraulic pressure in that area is tremendous.

Wayne Gieselman brought down the soil map with the lagoons plotted on it to his best ability.

James Brown said that according to the map the lagoons would be built on Brownton soils.

Jeff Vonk said that it was his understanding that during the permit process there were different borings taken from the site.

Wayne Gieselman said there were 6 borings at the site, two that went deeper than 25 feet and four that were at least 10 feet deep. Based on the research his staff has done and the design of the groundwater lowering system the Department believes that this system will work.

Jeff Vonk asked if porosity and permeability was examined for the soil cores that had been taken.

Wayne Gieselman said that those aspects were looked at and the conclusion was that this system would work.

James Braun said the Department has required pits be dug in each corner of the lagoon, but none in the center. The concern from the engineers he has spoken with is that the Brownton or the Okoboji soils might not drain sufficiently. The outside might drain because it will be close enough to the trenches but the ground water pressure in the center may not be relieved. He asked if there was any way the Department could do a test in the center of the lagoon at the same time as the four around the outside.

Wayne Gieselman said although they could ask the company to dig another pit, legally the Department has already issued the permit and the conditions of it do not include a center test pit.

Jeff Vonk asked if Wayne Gieselman thought the company would do the extra pit even though it was not required.

Wayne Gieselman said he thought they would but would need to discuss it with their lawyer.

NEXT MEETING DATES

Terry Townsend asked if the third Monday of the month continued to be the best day to meet for the following year.

It was decided to continue with the current schedule.

Lisa Davis Cook, Kathryn Murphy, and Lori Glanzman said they would not be present for the November meeting.

ADJOURNMENT

Motion was made by Lisa Davis Cook to adjourn. Seconded by Darrell Hanson. Motion carried unanimously.

With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 1:57 p.m., Monday, October 15, 2001.

Jeffrey R. Vonk, Director

Terrance Townsend, Chair

Rita Venner, Secretary

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